

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 10, 2015

[LB67 LB141 LB243A LB243 LB265A LB292 LB292A LB294 LB414 LB437 LB468 LB500A
LB509 LB649 LR178 LR179]

SENATOR COASH PRESIDING

SENATOR COASH: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SIXTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR JASON WOLTER OF ST. JOHN'S LUTHERAN CHURCH IN TECUMSEH, SENATOR WATERMEIER'S DISTRICT. PLEASE RISE.

PASTOR WOLTER: (PRAYER OFFERED.)

SENATOR COASH: THANK YOU, PASTOR. I CALL TO ORDER THE SIXTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL.

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: RECORD, MR. CLERK.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL?

CLERK: NO CORRECTIONS.

SPEAKER HADLEY: MESSAGES, REPORTS, ANNOUNCEMENTS?

CLERK: YOUR COMMITTEE ON RETIREMENT REPORTS, LB468 TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. A SERIES OF REPORTS RECEIVED AND AVAILABLE ON THE LEGISLATIVE WEB SITE AVAILABLE FOR MEMBER REVIEW. AND THE LOBBY REPORT AS REQUIRED BY STATE STATUTE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1121-1122.) [LB468]

SPEAKER HADLEY: MR. CLERK, WE WILL START THE AGENDA.

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CLERK: MR. PRESIDENT, THE LEGISLATURE LEFT LB243, A BILL BY SENATOR BOLZ. (READ TITLE.) INTRODUCED ON JANUARY 14, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THOSE AMENDMENTS ARE PENDING, MR. PRESIDENT. (AM787, LEGISLATIVE JOURNAL PAGE 801.) [LB243]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE WELCOME TO GIVE US A SHORT UPDATE ON YOUR BILL. [LB243]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. EVIDENCE-BASED PRACTICE TELLS US THAT ENGAGING CHILDREN IN THE CHILD WELFARE SYSTEM WITH EXTENDED FAMILIES STRENGTHENS THEIR SUPPORT NETWORKS, LEADS TO PERMANENCY, AND IMPROVES THEIR OVERALL QUALITY OF LIFE. LB243 BUILDS ON AN EXISTING PILOT PROJECT WHICH IS A PARTNERSHIP BETWEEN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE SOUTHEAST SERVICE AREA TO ENGAGE EXTENDED FAMILY MEMBERS TO SUPPORT KIDS IN THE CHILD WELFARE SYSTEM AND ALLOWS THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO FOCUS ON THEIR PRIORITIES OF HEALTH AND SAFETY AND PERMANENCY WHILE A CONTRACTED AGENCY COULD WORK ON FAMILY ENGAGEMENT AND DEVELOPING OPPORTUNITIES FOR KIDS IN THE CHILD WELFARE SYSTEM TO FIND A PLACEMENT WITH FAMILY MEMBERS. REMEMBER, COLLEAGUES, THESE ARE YOUNG PEOPLE WHO HAVE HAD EXPERIENCES WITH TRAUMA AND ABUSE. AND SO THAT SUPPORT NETWORK NEEDS TO BE BUILT, ESTABLISHED, AND TRAINED SO THAT THEY CAN EFFECTIVELY HELP KIDS AND HELP THOSE FAMILIES MOVE FORWARD. THE LAST NOTE I WOULD MAKE WOULD BE TO REMIND ALL OF YOU THAT WE EXPEND DOLLARS IN THE CHILD WELFARE SYSTEM, UP TO \$25,000 A YEAR FOR FOSTER CARE REIMBURSEMENT RATES, PLUS ADDITIONAL COSTS RELATED TO ADMINISTRATION AND OVERSIGHT. AND, THEREFORE, MOVING CHILDREN INTO PERMANENCY MORE QUICKLY WITH THEIR EXTENDED FAMILY MEMBERS IS A LONG-TERM COST SAVINGS. SO I ENCOURAGE YOUR SUPPORT OF AM787 AND THE UNDERLYING BILL LB243. [LB243]

SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. SENATOR CAMPBELL, YOU'RE RECOGNIZED TO GIVE A SHORT UPDATE ON AM787 FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. [LB243]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, EVERYONE. THE COMMITTEE AMENDMENT TO LB243 MAKES TECHNICAL CORRECTIONS SUGGESTED BY THE DEPARTMENT OF HEALTH AND HUMAN

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SERVICES AND ATTEMPTS TO REDUCE THE FISCAL IMPACT BY REDUCING THE NUMBER OF PILOT SITES THROUGHOUT THE STATE AND ENSURES ACCOUNTABILITY FOR THE FAMILY FINDING PROJECTS BY ALLOWING FUNDS TO BE USED FOR CONTRACT MONITORING, OVERSIGHT, AND EVALUATION. THE IDEA FROM THE HEALTH AND HUMAN SERVICES COMMITTEE WAS WE HAVE SEEN THIS IN A SMALL MICROCOSM IN TWO OF THE SERVICE AREAS. THE IDEA WAS WE DIDN'T FEEL THAT THE PROGRAM WAS READY TO GO STATEWIDE. AND SO WE CHOSE TO PARE IT DOWN TO THE THREE PILOT SITES. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED. [LB243]

SENATOR COASH: THANK YOU, MR. PRESIDENT. WOULD SENATOR BOLZ YIELD TO A QUESTION? [LB243]

SPEAKER HADLEY: SENATOR BOLZ, WILL YOU YIELD? [LB243]

SENATOR BOLZ: SURE, I WILL. [LB243]

SENATOR COASH: THANK YOU, SENATOR BOLZ. SENATOR BOLZ, MY QUESTION IS THIS: I WAS REVIEWING THE COMMITTEE STATEMENT FROM OUR...LAST NIGHT AFTER WE HAD THE DEBATE ON THIS BILL. AND I NOTICED THAT THE DEPARTMENT OF HHS, CHILD WELFARE, WAS ABSENT DURING THE HEARING, AT LEAST DIDN'T WEIGH IN. HAS THE DEPARTMENT INDICATED SUPPORT FOR WHAT'S BEING PROPOSED IN LB243? [LB243]

SENATOR BOLZ: THANKS FOR THE QUESTION. I'LL BE AS SUCCINCT AS I CAN BE. I WORKED WITH DIRECTOR PRISTOW WHEN HE WAS STILL IN LEADERSHIP WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THEY WEIGHED IN ON THE UNDERLYING BILL AND THE CONCEPT AND THE APPROACH, SO WE DID GET INPUT IN THAT WAY. WHEN HE LEFT HIS POST, THE DEPARTMENT DID NOT COME IN TO TESTIFY. THEY DID PROVIDE SOME NEUTRAL TESTIMONY ASKING FOR A COUPLE OF TECHNICAL CHANGES WHICH HAVE BEEN INCORPORATED INTO THE UNDERLYING AMENDMENT. [LB243]

SENATOR COASH: OKAY. I'LL HAVE TO RELOOK AT THE COMMITTEE STATEMENT BECAUSE I'M NOT SURE I THINK THAT NEUTRAL TESTIMONY WAS REFLECTED. I DO HAVE A LETTER THAT SENATOR KOLTERMAN IS GOING TO TALK ABOUT HERE

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IN A LITTLE BIT THAT DOES INDICATE SUPPORT FROM HHS, WHICH I THINK IS GOOD. COLLEAGUES, I DON'T WANT MY QUESTIONS TO BE MISINTERPRETED HERE. WHAT SENATOR BOLZ IS TRYING TO DO IN LB243 SHOULD BE DONE. PROVIDERS AND THE DEPARTMENT SHOULD BE ENGAGED IN FAMILY FINDING. I BELIEVE THAT HHS DOES FIND VALUE IN THIS. I BELIEVE THAT PROVIDERS FIND VALUE IN THIS. IF YOU LOOK AT THE COMMITTEE STATEMENT, THERE'S A WHOLE BUNCH OF PROVIDERS AND ADVOCATES WHO WORK WITH CHILDREN WHO FIND VALUE IN IT. BUT WHAT I STILL HAVE CONCERN ABOUT IS THAT HHS CAN DO THIS. PROVIDERS ARE DOING IT. BUT WHAT WE ARE DOING IN LB243--AND I'LL SAY IT AGAIN, I'LL POINT THE FINGER AT MYSELF--WE ARE GOING DOWN A DANGEROUS ROAD OF TELLING...OF PICKING AND CHOOSING PROGRAMMING THAT HELPS CHILDREN AND FAMILIES. IF THIS IS SUCH A GOOD IDEA, I'M NOT SURE WHY HHS DIDN'T GO AND SAY TO ANY ONE OF US, WE NEED MORE MONEY BECAUSE WE THINK THIS HAS VALUE. WE CAN'T DO IT WITH THE EXISTING FUNDS, SO WE NEED MORE MONEY SO THAT WE CAN CONTRACT THE PROVIDERS TO DO THIS BECAUSE IT'S GOOD FOR FAMILIES. I'M GLAD SENATOR BOLZ IS HERE. I'M GLAD SENATOR HOWARD IS HERE. AND I'M GLAD SENATOR KRIST AND SENATOR CRAWFORD ARE GOING TO STILL BE HERE BECAUSE WHEN SENATOR CAMPBELL AND I ARE GONE AFTER NEXT YEAR, THEY'RE GOING TO HAVE TO TAKE OVER TELLING HHS HOW TO DO THEIR WORK, BECAUSE THAT IS ALL I'VE DONE IN SEVEN YEARS. TELL HHS THIS IS THE PROGRAM THAT YOU SHOULD BE DOING; THIS IS HOW YOU SHOULD INTERACT WITH FAMILIES. SOMETIMES WE HAVE TO BATTLE THEM TO DO IT AND I THINK THAT'S UNFORTUNATE. BUT HERE WE ARE SEVEN YEARS PAST SAFE HAVEN, STILL MICROMANAGING THE DEPARTMENT. WE STILL HAVE A LEADERSHIP ISSUE WITH THE DEPARTMENT, NOT THAT WE DON'T HAVE GOOD PEOPLE COMING IN, GOOD PEOPLE SERVING IN INTERIM POSITIONS, BUT WE HAVE NO STABILITY IN THE DEPARTMENT. SO THIS BODY HAS TAKEN ON... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR COASH: ...THE TASK OF PICKING AND CHOOSING PROGRAMS. AND I THINK THAT'S A DANGEROUS ROAD THAT WE ARE HEADING DOWN. GETTING INTO THE WEEDS OF PARTICULAR PROGRAMS IS NOT WHERE THIS BODY SHOULD BE SPENDING ITS ENERGY. WE SHOULD BE PARTNERING WITH THE DEPARTMENT AND SAYING IF THEY WANT TO COME AND SAY, THIS IS SOMETHING WE THINK WE SHOULD DO, HERE IS WHAT WE NEED FROM YOU, LEGISLATURE, WE NEED FUNDS TO DO IT. THAT'S OUR ROLE. AND WE HAVE THE RESPONSIBILITY TO COME BACK AND SAY, THEN PROVE TO US DOWN THE ROAD THAT THESE FUNDS WERE WELL SPENT, BECAUSE THAT'S OUR ROLE. I WILL CONTINUE TO TALK

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ABOUT THESE ISSUES BECAUSE THIS IS SOMETHING THAT THIS BODY HAS GOT TO GET OUT OF THE HABIT OF DOING. WE'RE GOING TO DO IT NEXT WEEK... [LB243]

SPEAKER HADLEY: TIME, SENATOR. [LB243]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: (DOCTOR OF THE DAY INTRODUCED.) SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB243]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I WANT TO MAKE A CORRECTION FOR THE RECORD. YESTERDAY I INDICATED THAT HHS HAD TESTIFIED IN SUPPORT ALONG WITH ANOTHER ORGANIZATION. ACTUALLY HHS DID NOT TESTIFY; THEY WEREN'T EVEN THERE, BUT THEY SENT US A LETTER. THAT'S WHERE I WAS PICKING UP MY INFORMATION. AND IT SAYS THAT FAMILY FINDING HAS BEEN A TARGETED PROJECT IN THE SOUTHEAST SERVICE AREA FOR TWO YEARS. WE HAVE BEEN ENCOURAGED WITH ITS RESULTS AND ARE SUPPORTIVE OF THE PROJECT BEING PUT INTO USE STATEWIDE. AND THAT WAS SIGNED BY TONY GREEN, ACTING DIRECTOR OF THE DIVISION OF CHILDREN AND FAMILY SERVICES. SO FOR THE RECORD, I JUST WANT IT TO BE KNOWN THAT THEY WERE NOT THERE. CORRECT THAT, BUT THEY DID SEND US A LETTER INDICATING THAT THEY WANTED US TO MOVE FORWARD WITH THIS PROJECT. AGAIN, MY WHOLE PERSPECTIVE ON THIS...AND I DON'T DISAGREE WITH SENATOR COASH. BUT AT THE SAME TIME, I HAVE SOME CONCERNS BECAUSE AS A NEW SENATOR, I DON'T KNOW ALL THESE TECHNICAL THINGS THAT ARE GOING ON. I DON'T KNOW HOW MUCH INTERACTION WE'RE SUPPOSED TO HAVE WITH HHS. I KNOW WE'RE SUPPOSED TO SET POLICY, BUT THIS IS A PROGRAM THAT'S BEEN GOING ON ALREADY. IT'S BEEN UTILIZED AND IT'S BEEN SUCCESSFUL. AND SO WHEN WE GET A LETTER FROM THE ACTING DIRECTOR SAYING HE'D LIKE US TO CONTINUE TO MOVE FORWARD AND WE HAVE A BILL THAT SAYS WE CAN DO IT MORE COST EFFECTIVELY OUTSIDE OF HHS, I HAPPEN TO BELIEVE THAT MAYBE THAT'S THE BEST THING TO DO. THAT'S WHY I'M SO SUPPORTIVE OF THIS. I GAVE YOU THE FIGURES YESTERDAY AND THERE'S SIGNIFICANT SAVINGS FOR US. BUT MOST IMPORTANTLY, WE'RE PUTTING THESE FOSTER KIDS OR WITH THE POTENTIAL TO BE FOSTER KIDS, WE'RE KEEPING THEM OUT OF THE SYSTEM AND WE'RE GETTING THEM TO THE FAMILIES. AND THE FAMILIES ARE THEIR SUPPORT GROUP. AND IF THEY'RE WITH A FAMILY THAT'S GOING TO LOVE THEM AND CARE FOR THEM, WHY WOULDN'T WE WANT

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TO DO THAT? I DON'T CARE WHO DOES IT, SENATOR COASH. I AGREE WHOLEHEARTEDLY. IF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CAN DO THIS, THEN WHY AREN'T THEY DOING IT? BUT HERE AGAIN, I DON'T WANT TO BE A MICROMANAGER, BUT IF IT'S A SYSTEM THAT'S WORKING AND THEY'RE RECOMMENDING WE KEEP GOING, THEN I THINK WE OUGHT TO KEEP GOING. THE OTHER SIDE OF THIS IS, IT IS A TRIAL PROJECT AND I THINK IT'S TWO, THREE YEARS. SO IF WE'VE GOT SOMETHING THAT'S SUCCESSFUL, THAT'S WORKING IN HHS, THAT'S SOMETHING WE DON'T NEED TO FIX OTHER THAN WHO DOES IT. I COULDN'T AGREE MORE WITH YOU, SENATOR COASH. SO I WOULD SUPPORT LB243 AND THE AMENDMENTS AND ENCOURAGE YOU TO GIVE IT THE GREEN LIGHT. THANK YOU. AND I'M SORRY I MISSPOKE YESTERDAY ON WHO WAS THERE. THANK YOU. [LB243]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB243]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB243 AND THE COMMITTEE AMENDMENTS TO THE BILL AS WELL. I APPRECIATE SENATOR COASH'S COMMENT ABOUT THE FACT THAT SO MANY IN THIS BODY, INCLUDING SENATOR CAMPBELL, SENATOR COASH, SENATOR KRIST, HAVE HAD TO CARRY THE BALL IN TERMS OF LEADERSHIP ON THESE ISSUES AND REALLY HAVE HAD TO MICROMANAGE IN THE PAST. AS A MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE, I AM VERY MUCH LOOKING FORWARD TO NEW LEADERSHIP AND I APPRECIATE THE GOVERNOR'S COMMITMENT TO SAYING WE'RE GOING TO HAVE A NEW CULTURE IN HHS AND ATTENTION TO EVIDENCE AND TO IMPROVING PRACTICES AND CHANGING THE CULTURE OF THE PLACE. AND WE HAVE NEW PEOPLE COMING IN THAT I AM EXCITED TO HAVE THE CHANCE TO WORK WITH. SO I AGREE THAT IN THIS TRANSITION OVER THE NEXT TWO YEARS OR SO, WE'RE GOING TO HAVE AN IMPORTANT NEW NEGOTIATION OF ROLES, I THINK. AND WE'RE GOING TO BE HAPPY, AS THE HHS COMMITTEE, TO BE ABLE TO FOCUS ON BROADER POLICY ISSUES AND HAVE HOPEFULLY A GREAT WORKING RELATIONSHIP WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AS WE PLAN AND MOVE FORWARD TOGETHER. HOWEVER, I THINK IT'S IMPORTANT TO RECOGNIZE THAT THIS IS STILL A CRITICAL TRANSITION YEAR. WE HAVE NEW LEADERSHIP THAT IS JUST COMING IN AND THIS IS A PROGRAM WHERE THE GRANT FUNDINGS ARE EXPIRING. AND SO IT'S A CRITICAL PROGRAM THAT THE DEPARTMENT WANTS TO CONTINUE. AND SO FOR US TO MAKE SURE THAT WE DO WHAT'S NECESSARY TO CONTINUE, I THINK IS IN THE SPIRIT OF THAT PARTNERSHIP, NOT US MICROMANAGING IN THE SENSE OF TELLING THEM THEY MUST DO SOMETHING THEY DON'T WANT TO DO. THE FACT THAT THEY'RE INTERESTED IN THIS PROGRAM IS IMPORTANT AND THE FACT

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THAT OUR PRIVATE PARTNERS ARE INTERESTED IN THIS PROGRAM IS IMPORTANT. ALSO I WOULD SAY WHAT CAME OUT...TWO THINGS THAT CAME OUT IN THE HEARING. ONE IS THAT THE INITIAL PILOT OF THIS PROJECT WAS REALLY TARGETED TO THE HARDEST TO PLACE KIDS. AND SO THEY FOUND GREAT RESULTS EVEN IN THOSE HARDEST TO PLACE KIDS, THE KIDS WHO HAD BEEN IN FOSTER CARE THE LONGEST. AND THE PROVIDERS WERE VERY EXCITED ABOUT THE OPPORTUNITY TO INSTEAD DIRECT THEIR ATTENTION EARLIER IN THE PROCESS AND TRYING TO GET THESE KIDS THAT LAND IN FOSTER CARE RIGHT AWAY, TRYING TO FIND THEIR FAMILY MEMBERS AND GET THEM CONNECTED TO THEIR FAMILY. SO IT'S AN IMPORTANT...IT'S NOT ONLY JUST CONTINUING SOMETHING, IT'S AN IMPORTANT NEW FOCUS ON TRYING TO HELP THOSE KIDS RIGHT AWAY THAT'S PART OF WHAT WE'RE TRYING TO DO IN LB243. THE OTHER THING I WANTED TO STRESS THAT WAS IMPORTANT IN THE HEARING, WE'VE TALKED A LOT ABOUT THE FINANCIAL BENEFITS OF DOING THIS. BUT I JUST WANT TO STRESS THE HUMAN SIDE FOR A MOMENT. ONE OF THE PEOPLE THAT CAME TO TALK AT THE...TO TESTIFY AT THE HEARING WAS A FAMILY MEMBER AND HE SPOKE QUITE MOVINGLY ABOUT HOW, WHEN THEY FOUND OUT THAT--I FORGET IF IT WAS THEIR COUSIN OR THEIR NIECE--WHEN THEY FOUND OUT THAT THIS GIRL WAS CAUGHT IN THE FOSTER CARE SYSTEM AND WAS RELATED TO THEM, THEY WERE MORE THAN HAPPY TO STEP UP AND BE A FAMILY SUPPORT FOR THAT GIRL. AND IT WAS HARD FOR THEIR FAMILY BECAUSE THEY ALREADY HAD OTHER KIDS, BUT THEY WERE WILLING TO STEP UP BECAUSE IT WAS THEIR COUSIN WHO WAS IN TROUBLE. AND SO THEY WERE WORKING THROUGH THOSE ISSUES TO TRY TO MAKE SURE THAT THEY COULD BE THERE BECAUSE THEY WERE, LIKE, WE ARE FAMILY. WE WANT TO BE THERE FOR FAMILY. WE HAD NO IDEA. AND SO... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR CRAWFORD: ...THANK YOU, MR. PRESIDENT...ONE OF OUR FAMILY MEMBERS IS IN TROUBLE. I MEAN FAMILIES GET SCATTERED ACROSS THE COUNTRY. AND IT WAS COMPELLING TO HEAR THIS TESTIMONY AND I'M SURE THIS IS TRUE OF SO MANY FAMILY MEMBERS. IF THEY KNOW THAT ONE OF THEIR RELATIVES IS IN TROUBLE, THEY'RE WILLING TO STEP UP AND THEIR CHURCH COMMUNITY IS WILLING TO STEP UP TO HELP THEM STEP UP TO HELP THAT FAMILY MEMBER. BUT THEY HAVE NO IDEA BECAUSE FAMILIES GET DISCONNECTED NOW. AND THE OTHER IMPORTANT PIECE OF THAT IS WHEN THEY WERE TALKING ABOUT THE STRUGGLES THEY WERE HAVING TO HELP THIS YOUNG LADY AND THE STRUGGLES THAT THEY FACED WITH THEIR OTHER SIBLINGS, THOSE ARE THE KINDS OF STRUGGLES THAT ALL PLACEMENTS FACE.

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SO THE OTHER KEY PART HERE IS WHEN IT'S A FAMILY MEMBER STEPPING UP TO HELP, THEY'RE MORE WILLING TO STRUGGLE THROUGH WITH THAT KID. WHEREAS ANOTHER PLACEMENT, WHEN IT STARTS CREATING TENSION AND CONCERNS WITH WHAT HAPPENED WITH THE OTHER SIBLINGS, THEY MIGHT BE MORE LIKELY TO JUST SAY, WE HAVE TO BACK OFF NOW. [LB243]

SPEAKER HADLEY: TIME, SENATOR. [LB243]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED. [LB243]

SENATOR KRIST: GOOD MORNING, MR. PRESIDENT AND COLLEAGUES. AND GOOD MORNING, NEBRASKA. SOME OF THE SERVICES THAT WE SEE ANALYZED OVER OUR LIFETIME WITHIN THE LEGISLATURE AND SOME OF THE EXPENSES THAT WE JUSTIFY HAVE TO BE MEASURED AND WEIGHED FULLY BECAUSE THERE IS NOT ENOUGH MONEY TO GO AROUND, WHICH IS WHY WHEN I STOOD UP A FEW DAYS AGO AND TALKED ABOUT THE MEDICAID BILL--WHICH BY THE WAY, IS STILL NOT MEDICAID EXPANSION--I ANALYZED THAT THE GENERAL FUND DOLLARS WILL ONLY GO SO FAR IN TERMS OF SOME OF THESE SERVICES. AND IT IS IMPORTANT THAT YOU LOOK AT THE BOTTOM LINE AND THOSE SERVICES. I HAD THE PLEASURE OF MEETING MISS COURTNEY PHILLIPS, THE NEW CEO, DEPARTMENT OF HEALTH AND HUMAN SERVICES. I'M ENCOURAGED THAT SHE BRINGS A NEW PERSPECTIVE. I'M ALSO ENCOURAGED THAT IN CONVERSATIONS WITH THE GOVERNOR AND HIS STAFF THAT THERE'S A REALIZATION THAT THERE ARE THINGS OUT THERE THAT WE HAVE BEEN NOT TAKING ADVANTAGE OF WHICH NEED TO BE LOOKED AT IN TERMS OF GENERAL FUND OFFSETS, THAT IS THE INSURANCE COMPANY...TWO INSURANCE COMPANIES OF CMS, MEDICARE AND MEDICAID. AND I STILL BELIEVE THAT THE NEXT TIME THE ISSUE OF MEDICAID IN ANY AREA COMES UP, IF YOU WANT TO BE QUALIFIED TO TALK ABOUT THOSE PROGRAMS, YOU SHOULD READ LR22 AND LR422 WHICH, THANKS TO SENATOR CAMPBELL AND SENATOR GLOOR, HAVE BEEN TWO INTERIM STUDIES INTO THE HEALTHCARE DELIVERY SYSTEMS INSIDE OF NEBRASKA. I STAND IN SUPPORT OF AM787 AND OF THE UNDERLYING BILL LB243. AND I WOULD LIKE TO JUST SAY IN TERMS OF WHAT SENATOR COASH STOOD UP TO SAY, DITTO, BECAUSE IT'S GOING TO TAKE CONTINUED OVERSIGHT BY THIS LEGISLATURE. AND I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR BOLZ, SHOULD SHE LIKE IT. [LB243 LR22 LR422]

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SPEAKER HADLEY: SENATOR BOLZ, YOU HAVE BEEN YIELDED 2:50. [LB243]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR KRIST. I AGREE WITH WHAT HAS BEEN SAID THIS MORNING. WE HAVE HAD A TOUGH ROAD IN TERMS OF WORKING WITH DEPARTMENT OF HEALTH AND HUMAN SERVICES AND PROVIDING OVERSIGHT IN THE DEPARTMENT OF CHILD WELFARE. I WANT TO BE CLEAR THAT WORK HAS BEEN DONE IN PARTNERSHIP WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. AS I MENTIONED YESTERDAY, PART OF THE GENESIS OF THIS CONVERSATION WAS ACTUALLY LISTENING TO DIRECTOR PRISTOW ARTICULATE FAMILY FINDING IS A BRIGHT SPOT IN OUR CHILD WELFARE SYSTEM AT THE COUNCIL OF STATE GOVERNMENTS CONFERENCE OVER THE SUMMER. SO WHILE I APPRECIATE THE BODY'S CONSTERNATION AND HARD WORK OVER TIME, I DON'T THINK THAT THAT'S ANY REASON FOR US TO HESITATE IN TERMS OF INNOVATING AND WORKING TO TAKE OUR CHILD WELFARE SYSTEM TO THE NEXT GENERATION. I ALSO WOULD LIKE TO ADDRESS THE ISSUE THAT WAS REFERENCED QUESTIONING WHETHER OR NOT THE DEPARTMENT CURRENTLY HAS THE CAPACITY TO DO THIS WORK. AND I WOULD ARGUE THAT THIS STRATEGY OF PARTNERING WITH CONTRACTING PROVIDERS HELPS US TO IDENTIFY BEST PRACTICES AND HELPS US TO UNDERSTAND WHETHER THIS KIND OF WORK SHOULD BE INTEGRATED INTO THE DEPARTMENT'S WORK OR WHETHER IT SHOULD CONTINUE IN AN OUTSIDE CONTRACTOR. CURRENTLY, COLLEAGUES, WE HAVE NOT MET OUR IDEAL CASELOAD TO CASEWORKER TO INDIVIDUAL RATIOS. WE HAVEN'T MET OUR CASEWORK GOALS. WE'RE GETTING CLOSER. WE'RE AT ABOUT 84 PERCENT FOR INTAKE AND ONGOING OVERSIGHT. BUT I WOULD ARGUE THAT THEY DON'T HAVE THE CURRENT CAPACITY TO BRING ON AN INITIATIVE LIKE THIS WITHOUT THE PARTNERSHIP OF CONTRACTED ORGANIZATIONS. AND WE HAVE SOME INCREDIBLE CHILD PLACING ORGANIZATIONS THAT WORK ACROSS THE STATE... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR BOLZ: ...THAT LEVERAGE PHILANTHROPY, THAT LEVERAGE THEIR EXPERTISE, THAT CAN BE VERY COMPLEMENTARY TO WHAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS FOCUSING ON NOW AND PRODUCE BETTER OUTCOMES FOR OUR KIDS. SO I CONTINUE TO URGE YOUR SUPPORT FOR LB243. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB243]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. AND I HAVE A COUPLE QUESTIONS FOR SENATOR BOLZ IF SHE WOULD YIELD, PLEASE. [LB243]

SPEAKER HADLEY: SENATOR BOLZ, WILL YOU YIELD? [LB243]

SENATOR BOLZ: SURE. [LB243]

SENATOR McCOY: THANK YOU, SENATOR. I HAVE A COUPLE QUESTIONS ON THE GREEN COPY OF LB243, PAGE 2, IF YOU WOULD REFERENCE THAT STARTING IN LINE 25. IT LISTS OUT WHAT THE DEFINITION OF A FAMILY MEMBER IS AND IT GIVES IN PRECEDING LINES SOME OF THOSE DEFINITIONS. PARTICULARLY, LINE 25 TALKS ABOUT THE SPOUSE, WIDOW, WIDOWER, FORMER SPOUSE OR DOMESTIC PARTNER. WHAT IS THE DEFINITION OF THE DOMESTIC PARTNER? [LB243]

SENATOR BOLZ: I WILL FIND THE SPECIFIC LEGAL DEFINITION FOR YOU. MY UNDERSTANDING OF IT--AND I'LL MAKE SURE THAT I CLARIFY--IS THAT THE DOMESTIC PARTNER DEFINITION WOULD BE THE SAME DOMESTIC PARTNER DEFINITION THAT WOULD BE USED IN ANY OTHER CHILD PLACING CIRCUMSTANCE. SO IF A KID IS BEING PLACED IN A FOSTER HOME AND THE COUPLE IS NOT MARRIED, THE PARTNER WOULD BE CONSIDERED A DOMESTIC PARTNER. SO IN EVALUATING WHETHER OR NOT A DOMESTIC PARTNER IS AN APPROPRIATE ADULT TO PLACE A CHILD WITH, THOSE RULES AND REGULATIONS THAT CHILD PLACING AGENCIES CURRENTLY HAVE TO FOLLOW WOULD STILL BE IN PLACE. [LB243]

SENATOR McCOY: IS THAT A STATUTORY DEFINITION, SENATOR? [LB243]

SENATOR BOLZ: I'LL TRACK IT DOWN FOR YOU, SENATOR. [LB243]

SENATOR McCOY: OKAY. WELL, WHILE YOU DO THAT, I HAVE ANOTHER COUPLE QUESTIONS FOR YOU. STARTING IN LINE 28 GOING DOWN THROUGH LINE 31, THERE IS A LISTING OF SOMETHING REFERRED TO AS FICTIVE KIN AND I DON'T RECALL THERE EVER...THIS EVER--AND I COULD BE WRONG--BUT I DON'T RECALL THIS EVER...NOW HERE ACTUALLY THERE IS A DEFINITION OR AN EXPLANATION WHERE THERE IS NOT FOR DOMESTIC PARTNER, WHICH I JUST ASKED YOU ABOUT. I DON'T RECALL THE TERM FICTIVE KIN IN OUR STATUTE BEFORE. IS THIS A NEW TERM? [LB243]

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SENATOR BOLZ: THIS IS A TERM THAT WAS BROUGHT TO US BY THE CHILD PLACING AGENCIES THAT WE'VE WORKED WITH, RECOGNIZING THAT THERE ARE INDIVIDUALS IN OUR LIVES THAT WE CONSIDER PART OF OUR FAMILY EVEN IF THEY ARE NOT BLOOD RELATIVES. THE EXAMPLE I WOULD USE FOR MY OWN LIFE WOULD BE MY GODMOTHER. CINDY NASH, IS SOMEONE WHO HELPED IN MY GROWTH AND DEVELOPMENT. AND IF I WERE STILL A CHILD AND IN NEED OF AN ADULT TO PROVIDE SUPPORT IN MY LIFE, SHE WOULD BE SOMEONE I WOULD CONSIDER PART OF MY FAMILY NETWORK. [LB243]

SENATOR McCOY: SO I WOULD BE CORRECT THAT THIS IS SOMETHING WE'VE NEVER...HERETOFORE HAS NOT BEEN TALKED ABOUT OR PUT IN THE STATUTE. WOULD THAT BE CORRECT? [LB243]

SENATOR BOLZ: I CAN CONFIRM THAT FOR YOU, BUT IT IS MY UNDERSTANDING THAT THIS IS AN ADDITION TO THIS PIECE OF LEGISLATION. [LB243]

SENATOR McCOY: OKAY. I DEFINITELY HAVE SOME CONCERNS ABOUT THAT BECAUSE I THINK THAT'S PRETTY AMBIGUOUS AS TO...WELL, I'M JUST GOING TO READ IT. "FICTIVE KIN MEANS AN INDIVIDUAL, UNRELATED BY BIRTH OR MARRIAGE TO A CHILD, WHO HAS AN EMOTIONALLY SIGNIFICANT RELATIONSHIP WITH THE CHILD THAT TAKES ON THE CHARACTERISTICS OF A FAMILY RELATIONSHIP." THAT'S FAIRLY...THAT WOULD BE OPEN TO A LOT OF INTERPRETATION AS TO WHAT IS AN EMOTIONALLY SIGNIFICANT RELATIONSHIP OR THE LINE BELOW THAT, "THAT TAKES ON THE CHARACTERISTICS OF A FAMILY RELATIONSHIP." YOUR DEFINITION OF THAT, MY DEFINITION OF THAT MIGHT BE ALL TOGETHER DIFFERENT, SENATOR, AS MIGHT ANYONE'S. AND I THINK WE'RE OPENING OURSELVES UP TO A GREAT DEAL OF SPECULATION, WHICH SOMETIMES HAPPENS... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR McCOY: ...THANK YOU, MR. PRESIDENT... WITH THE THINGS THAT WE DO HERE IN THE LEGISLATURE, THAT WE'RE LEAVING THAT UP TO SOMEONE TO TRY TO ASCERTAIN, WELL, WHAT DID THE LEGISLATURE REALLY MEAN WHEN THEY SAID THIS? I THINK THE SAME COULD BE SAID AS I ASKED ABOUT EARLIER WITH DOMESTIC PARTNER. WELL, THERE COULD BE A LOT OF DIFFERENT DEFINITIONS OF WHAT A DOMESTIC PARTNER IS. AND I THINK WE ARE CREATING SOME ISSUES WITH WHAT WE ARE PUTTING IN THE STATUTE HERE IN LB243. THANK YOU, SENATOR. AND THANK YOU, MR. PRESIDENT. [LB243]

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SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB243]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WANT TO COVER A COUPLE OF THINGS, COLLEAGUES, AND TALK ABOUT. AND SENATOR COASH AND I HAVE HAD SOME GREAT CONVERSATIONS AND WE JUST HAD ONE OFF THE MIKE. ONE OF THE THINGS THAT FROM A HISTORY STANDPOINT AS WE'RE LEADING UP TO THIS IS, IN THE LAST YEAR AND A HALF WE HAVE SPENT A LOT OF TIME WITH THE DEPARTMENT SAYING TO THEM TIME AND AGAIN, WHAT MONEY DO YOU NEED? SENATOR KRIST, WHEN HE SAT ON THE HEALTH AND HUMAN SERVICES COMMITTEE, WOULD QUITE FREQUENTLY SAY TO OFFICIALS FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, WHAT DO YOU NEED? WHAT'S THE FUNDING THAT YOU NEED TO RUN THIS PROGRAM FOR THE PROTECTION OF OUR CHILDREN? AND THEY WOULD SAY, NO, WE'RE FINE. WE'RE FINE. WHEN WE STARTED FINDING OUT ABOUT THE FEDERAL PENALTIES BECAUSE WE HAD NOT REPORTED CORRECTLY TO THE FEDERAL GOVERNMENT IN DRAWING DOWN OUR TITLE IV-E DOLLARS AND SENATOR MELLO GATHERED TOGETHER ABOUT FOUR OF US WITH HIM AND WE SAT DOWN WITH THE DEPARTMENT. AND SENATOR MELLO SAID, WHAT DO YOU NEED? WHAT HAS HAPPENED WITH THIS DEFICIT? HOW DO WE PAY THESE PENALTIES? DOES THE LEGISLATURE NEED TO HELP? AND THE RESPONSE GIVEN WAS, NO, WE'RE FINE. I HAVE SUBSEQUENTLY BEEN TOLD BY TWO OFFICIALS THAT THE DEPARTMENT WAS TOLD IN NO UNCERTAIN TERMS, YOU DO NOT ASK THE LEGISLATURE FOR MORE MONEY. SO WHEN WE STARTED HEARING ABOUT THIS PROGRAM, WE WERE IN CONVERSATION WITH THE DEPARTMENT. WE'RE TRYING TO FIGURE OUT HOW TO COVER THE DEFICIT APPROPRIATION, TWO OF THEM, AND PAY THE FEDERAL PENALTIES. AND SO WE WENT AHEAD WITH THIS BILL UNDERSTANDING THAT THE DEPARTMENT, YES, SENT A LETTER IN A NEUTRAL POSITION BECAUSE THEY WANTED CORRECTIONS...TECHNICAL CORRECTIONS, BUT THEY DO SUPPORT IT. I BELIEVE THAT ONCE WE HAVE THE PROGRAM AND IT SHOWS ITS WORTH, THAT THE DEPARTMENT WILL MAKE IT A PART OF WHAT THEY DO. TO ANSWER SENATOR CHAMBERS' QUESTION YESTERDAY, WHY DON'T WE JUST SAY, YOU HAVE TO DO IT? IT IS IN FEDERAL LAW--AND I SPONSORED THE BILL THE FIRST TWO YEARS I WAS HERE--THAT REQUIRES THE DEPARTMENT TO LOOK FOR RELATIVES...REQUIRES THEM. BUT PART OF THE PROBLEM IS THAT REQUIREMENT IS AT THE POINT IN WHICH WE ARE REMOVING A CHILD FROM THEIR HOME. THEY HAVE SO MANY HOURS--48 TO 72 OR THREE DAYS OR WHATEVER IT IS--TO SEARCH FOR A RELATIVE. I THINK THE DEPARTMENT DOES DO THE BEST THEY CAN. BUT IN THAT SHORT AMOUNT OF TIME, ARE YOU GOING TO FIND A RELATIVE IN TEXAS OR IN KANSAS? MAYBE NOT. AND SO THE CHILD GOES INTO THE SYSTEM AND HAS PLACEMENT AFTER PLACEMENT BECAUSE

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THE DEPARTMENT IS NOT REQUIRED TO GO BACK. THEY DID THEIR DUE DILIGENCE. THEY DID WHAT WAS REQUIRED IN THE STATUTE. BUT THEY DON'T HAVE THE RESOURCES AT THIS POINT IN TIME TO DO THE KIND OF... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR CAMPBELL: ...THANK YOU, MR. PRESIDENT...INTENSIVE SEARCH THAT NEEDS TO BE DONE. I HAVE HAD TWO LENGTHY CONVERSATIONS WITH GOVERNOR RICKETTS AND HIS POINT TO ME EACH TIME HAS BEEN, YOU HAVE MY WORD THAT I AM HERE TO FIX CHILD WELFARE. AND I BELIEVE HIM. BUT UNTIL WE CAN ALLOW THAT TIME PERIOD TO HAPPEN, WE STILL NEED TO PROTECT OUR KIDS AND FIND THEM A HOME WITH A RELATIVE OR GOOD FRIEND OR NEIGHBOR THAT'S WILLING TO STEP IN. THAT'S HOW WE GOT TO THIS BILL. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED. [LB243]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND GOOD MORNING, COLLEAGUES. I RISE WITH A FEW QUESTIONS HERE. AND I DO RECOGNIZE THE VALUE OF PLACING CHILDREN WITH THOSE WHO ARE DEEMED TO BE OF GOOD CARE. I ALSO REALIZE THE VALUE THAT FAMILY SHOULD BE THE FIRST PLACE WHERE CHILDREN SHOULD BE ABLE TO GO AND TURN TO. AND THE VALUE OF WORKING WITH FAMILIES TO MAKE SURE THAT THAT IS A SOUND CORE OF SUPPORT FOR ALL OF THEIR NEEDS, EMOTIONAL, PHYSICAL, SPIRITUAL, THE NEEDS OF GROWING HEALTHY, THEIR OVERALL WELLNESS. THERE ARE A FEW CONCERNS ABOUT THE PILOT PROGRAM AND I'M WONDERING IF SENATOR BOLZ WOULD YIELD TO A FEW QUESTIONS? [LB243]

SPEAKER HADLEY: SENATOR BOLZ, WILL YOU YIELD? [LB243]

SENATOR BOLZ: SURE, I WILL. [LB243]

SENATOR BRASCH: SENATOR BOLZ, THE PROGRAM THAT WE HAVE HERE IN NEBRASKA, BECAUSE THERE'S SOME UNFAMILIAR TERMS THAT WE DO NOT SEE CURRENTLY USED, WHAT STATES HAS THIS BEEN TESTED IN? ARE THERE OTHER STATES USING THIS SAME PROGRAM AND CAN YOU TELL ME WHAT STATES THOSE ARE? [LB243]

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SENATOR BOLZ: OH, I APPRECIATE THAT QUESTION. THIS IS A NATIONAL INITIATIVE BASED ON WELL-RESEARCHED, EVIDENCE-BASED PRACTICES. IT HAS BEEN IMPLEMENTED AND EVALUATED IN SEVERAL STATES. HAWAII IS A GREAT CASE EXAMPLE AND I'VE GOT THE EVALUATION STUDY AT MY DESK IF YOU'D LIKE TO SEE IT. OTHER SHINING STAR EXAMPLES ARE PENNSYLVANIA, CALIFORNIA, AND MICHIGAN. [LB243]

SENATOR BRASCH: AND WAS THAT FOUR OR FIVE? I DIDN'T...AS YOU WERE SPEAKING THAT... [LB243]

SENATOR BOLZ: HAWAII, CALIFORNIA, PENNSYLVANIA, AND MICHIGAN ARE THE ONES THAT I HAVE STUDIED AS MODEL INITIATIVES. FAMILY FINDING IS A NATIONAL INITIATIVE THAT HAS A NATIONAL ORGANIZATION THAT SUPPORTS THIS KIND OF WORK. I BELIEVE THAT THERE ARE OTHER STATES AS WELL, BUT THOSE ARE THE STATES THAT WE LOOKED TOWARDS WHEN WE CRAFTED OUR LEGISLATION. [LB243]

SENATOR BRASCH: VERY GOOD. AND BEING THE POTENTIALLY FIFTH STATE TO DO THIS, HOW LONG HAS THEIR PROGRAM BEEN RUNNING? HOW MANY YEARS? HOW MANY MONTHS? HAS THIS BEEN IN EFFECT LONG TERM? [LB243]

SENATOR BOLZ: THE HAWAII PROGRAM EVALUATION WAS COMPLETED IN 2012. AND I BELIEVE THAT IT HAD BEEN IN PLACE FOR FOUR YEARS, SINCE 2008 PRIOR TO THE EVALUATION STUDY. SO 2008 TO 2015 IN HAWAII. THAT'S THE ONE I'VE GOT AT MY FINGERTIPS. [LB243]

SENATOR BRASCH: OKAY. VERY GOOD. AND AS I DO RECOGNIZE THE INTENT OF HELPING CHILDREN TO HAVE FAMILY PLACEMENT, A SOLID FAMILY PLACEMENT ADDING DIFFERENT CATEGORIES, I'M WONDERING, IS THAT NOT TAKING PLACE TODAY? IS THIS SOMETHING NEW THAT...SO FAR HAS HEALTH AND HUMAN SERVICES NOT BEEN ALREADY PROVIDING THIS TYPE OF SERVICE? [LB243]

SENATOR BOLZ: IT'S A GOOD QUESTION, SENATOR BRASCH. AND TO PIGGYBACK ON WHAT SENATOR CAMPBELL REFERENCED... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

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SENATOR BOLZ: ...AT THE CURRENT STAGE, WE ARE NOTIFYING EXTENDED FAMILY MEMBERS BUT NOT DOING THE WORK OF MOBILIZING, ENGAGING, PLANNING, AND TRAINING THOSE FAMILY MEMBERS TO TAKE ON KIDS. INSTEAD, WE'RE RELYING MORE ON OUR EXISTING FOSTER CARE NETWORK IN WHICH A CHILD MAY OR MAY NOT HAVE A PERSONAL RELATIONSHIP. THE OFFICE OF THE CHILD WELFARE INSPECTOR GENERAL AND THE FOSTER CARE REVIEW BOARD IN THEIR ANNUAL REPORTS, BOTH POINTED TO THIS AREA AS AN AREA WHERE WE COULD IMPROVE OUR POLICY SYSTEMS AND PRACTICE TO BETTER SERVE KIDS. [LB243]

SENATOR BRASCH: VERY GOOD. THANK YOU FOR ANSWERING THOSE QUESTIONS. AGAIN, MOVING FORWARD, I WILL LOOK CLOSELY AT THE ALTERNATIVE PLANS THAT ARE BEING INTRODUCED HERE. THANK YOU, SENATOR BOLZ. THANK YOU, COLLEAGUES. [LB243]

PRESIDENT HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB243]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I RISE IN SUPPORT OF LB243 AND I WOULD LIKE TO ASK SENATOR BOLZ SOME QUESTIONS. [LB243]

SPEAKER HADLEY: SENATOR BOLZ, WILL YOU YIELD? [LB243]

SENATOR BOLZ: SURE. [LB243]

SENATOR HAAR: OKAY. THIS IS A PILOT...AND JUST SHORT ANSWERS. I'M USING YOU FOR MY EXCLAMATION POINT. OKAY. SO THIS IS A PILOT PROJECT. IS THAT CORRECT? [LB243]

SENATOR BOLZ: CORRECT. [LB243]

SENATOR HAAR: AND IT HAS A TERMINATION DATE TO IT? [LB243]

SENATOR BOLZ: CORRECT. [LB243]

SENATOR HAAR: OR A SUNSET? [LB243]

SENATOR BOLZ: CORRECT. [LB243]

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SENATOR HAAR: AND WHAT IS THAT? [LB243]

SENATOR BOLZ: IT'S A FOUR-YEAR PILOT. [LB243]

SENATOR HAAR: A FOUR-YEAR ONE. AND THEN IT ACTUALLY REQUIRES AN EVALUATION BY SOMEONE. RIGHT? [LB243]

SENATOR BOLZ: BY AN ACADEMIC INSTITUTION. [LB243]

SENATOR HAAR: AND WHO COULD THAT BE? [LB243]

SENATOR BOLZ: WE WOULD HAVE TO IDENTIFY AN ACADEMIC INSTITUTION THAT HAS THE SKILLS AND CAPABILITIES TO DO THE EVALUATION CORRECTLY. [LB243]

SENATOR HAAR: OKAY. AND THEN WE PROVIDE FUNDING? [LB243]

SENATOR BOLZ: CORRECT. [LB243]

SENATOR HAAR: OKAY. WELL, TO ME...OFTEN WE TALK ABOUT UNFUNDED MANDATES. WE TELL SOMEBODY TO DO SOMETHING AND WE DON'T PUT EVALUATION, WE DON'T GIVE THEM FUNDING AND SO ON. I LOOK AT THIS AS SOMETHING WE FEEL IS REALLY IMPORTANT AND WE'VE DONE ALL THE-- YOU'VE WRITTEN IN ALL THE IMPORTANT PARTS OF A PILOT PROJECT. YOU HAVE TOLD THEM WHAT NEEDS TO BE DONE. YOU'VE REQUIRED AN EVALUATION. YOU PUT A SUNSET AND YOU'RE PROVIDING FUNDING FOR THAT PILOT. AND I THINK THAT'S A GOOD MODEL FOR ANY KIND OF PILOT SYSTEM THAT WE ESTABLISH IN THIS LEGISLATURE. AND I THINK IT'S A PERFECTLY REASONABLE KIND OF ACTIVITY WHERE WE FEEL SOMETHING NEEDS ADDITIONAL EMPHASIS. THANK YOU VERY MUCH. [LB243]

SPEAKER HADLEY: SENATOR EBKE, YOU'RE RECOGNIZED. [LB243]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I TOLD SENATOR BOLZ THAT I WOULD MAKE A FEW COMMENTS ABOUT SOME OF THE THINGS THAT HAVE BEEN SAID HERE. I'LL BE HONEST, I'M NOT REALLY SURE HOW I FEEL ABOUT THIS BILL AND THE FISCAL ASPECTS OF IT. BUT I THINK I MAY BE ONE OF THE

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FEW PEOPLE IN THIS CHAMBER, MAYBE THE ONLY PERSON IN THIS CHAMBER, WHO'S ACTUALLY HAD DIRECT EXPERIENCE WITH THE FAMILY FINDING SERVICES, PRESUMABLY, I THINK THROUGH THE CURRENT PILOT PROGRAM. YOU SEE, OUR MIDDLE CHILD WAS ADOPTED ALMOST 15 YEARS AGO AS A BABY THROUGH A FOSTER-TO-ADOPT PROGRAM. A YEAR OR SO AGO, WE WERE CONTACTED BY CHRISTIAN HERITAGE SERVICES AND APPARENTLY OUR DAUGHTER SUBSEQUENTLY HAD A COUPLE OF YOUNGER SIBLINGS BORN. AND ONE OF THOSE HALF SIBLINGS WAS CURRENTLY IN THE FOSTER CARE SYSTEM. SHE WAS AT THE TIME I THINK 12 YEARS OLD AND IN BOYS TOWN AND HAD BEEN IN A NUMBER OF FOSTER CARE SITUATIONS SINCE THE TIME SHE WAS FIVE; HAD BEEN IN AND OUT. AND CHRISTIAN HERITAGE CONTACTED US AND SAID THAT THIS YOUNG LADY KNEW ABOUT OUR DAUGHTER AND WERE WONDERING IF WE WOULD BE INTERESTED IN AT LEAST JOINING THE TEAM THAT WAS GOING TO BE TRYING TO FIGURE OUT WHAT THE BEST PLACEMENTS FOR THIS YOUNG LADY WOULD BE. SO THEY DREW US IN AS SOMEONE WHO HAD A BIOLOGICAL SIBLING. OUR EXPERIENCE WITH THESE FOLKS IS THAT THEY TOOK INTO CONSIDERATION EVERYBODY'S CONCERNS ABOUT THE CHILD, WHAT THE FAMILY SITUATION WAS FOR THOSE FOLKS INVOLVED. THEY ARE PROFESSIONAL. THEY WORK THROUGH HEALTH AND HUMAN SERVICES. AND THEY WORK VERY HARD TO TRY TO GET KIDS CONNECTED WITH SOME SORT OF A FAMILY CONNECTION OR IN THE BEST PLACEMENT POSSIBLE SO THAT THEY CAN HAVE A HOME FOREVER. THEY DON'T FORCE ENGAGEMENT. IN OUR INSTANCE, BECAUSE OUR DAUGHTER HAD NEVER KNOWN THAT SHE HAD HAD THESE YOUNGER SIBLINGS, IT DIDN'T MAKE SENSE FOR TO US BRING HER INTO OUR HOME. BUT THERE WAS, AS IT TURNED OUT, A COUSIN OR AN AUNT OR AN UNCLE OR SOMETHING OF THE BIOLOGICAL FATHER WHO WAS WILLING TO TAKE HER IN AND ADOPT HER EVENTUALLY. SO I THINK IT'S IMPORTANT FOR US TO CONSIDER THE HUMAN ASPECT OF THIS. YES, SOCIAL SERVICES MIGHT BE ABLE TO DO THIS ALREADY. YES, IT'S GOING TO COST US MONEY. BUT I'M KIND OF THE OPINION THAT SOMETIMES CONTRACTING OUT SOME OF THESE SORTS OF SERVICES IS A GOOD THING. AND I THINK WE OUGHT TO GIVE IT SOME MORE CONSIDERATION ABOUT WHETHER OR NOT WE CAN CONTINUE ON WITH THIS FOR A COUPLE OF YEARS. SO IF SENATOR BOLZ HAS ANY COMMENTS, I WOULD BE HAPPY TO YIELD THE REST OF MY TIME TO HER. [LB243]

SPEAKER HADLEY: SENATOR BOLZ, 2:3. [LB243]

SENATOR BOLZ: WELL, I APPRECIATE YOUR SHARING YOUR PERSONAL EXPERIENCE AND YOUR RECOGNITION THAT SOMETIMES THERE ARE PUBLIC-PRIVATE PARTNERSHIPS THAT ARE VERY EFFECTIVE. I WOULD JUST ARTICULATE

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FOR A MINUTE HERE THAT WE HAVE MULTIPLE STRATEGIES IN OUR CHILD WELFARE SYSTEM. AND WE HAVE WORKED ON THOSE INITIATIVES OVER THE PAST FEW YEARS, INCLUDING SOME GOOD WORK DONE BY SENATOR COASH IN TERMS OF ALTERNATIVE RESPONSE TO KEEP KIDS WITHIN THEIR FAMILY OF ORIGIN. WE'VE DONE SOME GOOD WORK IN TERMS OF PICKING UP WHERE WE LEFT OFF AROUND THE PILOT PROGRAMS. AND I DO THINK THAT WE HAVE...WE ARE BUILDING A NETWORK OF AGENCIES AND ENTITIES THAT CAN DO THIS WORK REALLY WELL AND FIND THE APPROPRIATE PLACEMENT FOR A CHILD. THEY ARE TRAINED. THEY DO HAVE GUIDANCE AND REGULATION THAT GUIDE WHAT THEY DO AND HOW THEY CHOOSE THE CORRECT PLACEMENT FOR A KID. A HOME HAS TO BE SAFE. [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR BOLZ: A HOME STUDY NEEDS TO BE DONE IN ORDER TO PLACE A CHILD. THE PARENTS HAVE TO PROVE THAT THEY HAVE THE CAPABILITIES IN TERMS OF ECONOMIC STABILITY AND THE PERSONAL CAPACITY TO CARE FOR CHILDREN. SO I DO THINK THAT WE HAVE SOME GREAT PARTNERS AND SOME GREAT WORK HAPPENING IN TERMS OF PLACING KIDS IN SAFE HOMES. AND WE HAVE SEEN OUR INCIDENCES OF INCIDENTS IN THE FOSTER CARE SYSTEM DECLINE OVER RECENT YEARS. SO I JUST WANT TO ARTICULATE THAT I THINK WE ARE MOVING FORWARD IN TERMS OF SAFETY AND POSITIVE PLACEMENTS AND THAT LB243 MOVES US ONE MORE STEP FORWARD. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB243]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE WITH A COUPLE OF CONTINUED CONCERNS WITH THE GREEN COPY OF LB243. AND I WAS JUST DISCUSSING WITH SENATOR CAMPBELL A FEW OF MY CONCERNS AND I WANT TO HIGHLIGHT THEM FOR THE MEMBERS THIS MORNING. IF YOU WOULD, AND I KNOW WE ALL HAVE IT IN OUR DESK, IF YOU TURN TO OUR STATE CONSTITUTION, ARTICLE I, SECTION 29, IT RECOGNIZES PRETTY CLEARLY WHAT OUR CONSTITUTION ALLOWS AND DOES NOT ALLOW. OR A BETTER WAY TO SAY IT MIGHT BE, RECOGNIZES OR DOES NOT RECOGNIZE AS FAR AS DEFINITION OF MARRIAGE, DOMESTIC PARTNERSHIP, OR WHATNOT. I WANT TO READ THAT TO YOU. ONLY...AND THIS, AGAIN, ARTICLE I, SECTION 29. "ONLY MARRIAGE BETWEEN A MAN AND A WOMAN SHALL BE VALID OR RECOGNIZED IN NEBRASKA. THE UNITING OF TWO PERSONS OF THE SAME SEX IN A CIVIL UNION,

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DOMESTIC PARTNERSHIP, OR OTHER SAME-SEX RELATIONSHIP SHALL NOT BE VALID OR RECOGNIZED IN NEBRASKA." NOW, THAT MAY OR MAY NOT CHANGE GOING FORWARD, BASED UPON WHAT THE UNITED STATES SUPREME COURT MAY OR MAY NOT DECIDE IN A MATTER OF A FEW SHORT MONTHS. BUT AS OF RIGHT NOW, OUR CONSTITUTION DOES NOT ALLOW THE RECOGNITION OF DOMESTIC PARTNERSHIPS. THEREFORE, I DON'T SEE HOW THE GREEN COPY OF LB243 CAN GO FORWARD WITH RECOGNIZING, AS I SAID EARLIER, PAGE 2 OF THE GREEN COPY, LINE 25 WHERE IT CALLS OUT: THE SPOUSE, WIDOW, WIDOWER, FORMER SPOUSE, OR DOMESTIC PARTNER OF ANY PERSON DESCRIBED IN THE SECTION. THAT'S JUST FLAT OUT UNCONSTITUTIONAL. THERE IS NO OTHER WAY AROUND THAT. THIS SECTION OF THE BILL HAS TO BE REMOVED IN ORDER FOR THIS LEGISLATION TO MOVE FORWARD AND BE CONSTITUTIONAL. AND AS SENATOR CAMPBELL AND I WERE JUST TALKING OF, APPARENTLY--AND I DO RECALL THIS AS WELL BECAUSE I THINK IT'S USED IN OTHER AREAS OF STATUTE--WE DO HAVE A DEFINITION OF KINSHIP THAT'S USED I BELIEVE A NUMBER OF OTHER PLACES IN STATUTE. WE DON'T, HOWEVER, HAVE A DEFINITION OR HAS THIS EVER BEEN USED BEFORE, THE FICTIVE KIN, BECAUSE ONE OF THE THINGS THAT I WANT TO BE CLEAR OF--AND I THINK YOU READ THROUGH AS YOU LOOK THROUGH THE FICTIVE KIN PART OF IT--THAT JUST BECAUSE SOMEONE LIVES UNDER THE SAME ROOF WITH SOMEONE ELSE DOESN'T NECESSARILY MEAN THEY ARE A FAMILY. THAT'S A CONCERN. I THINK FOR THIS LEGISLATION TO MOVE FORWARD, AGAIN, WHAT HAS TO BE STRUCK IS THE MENTION OF DOMESTIC PARTNER AND THE ENTIRE SECTION, LINES 29 THROUGH 31, OF FICTIVE KIN, AND EXCHANGED FOR...ADD THE ADDITION OF KINSHIP WHICH HAS BEEN USED IN STATUTE I THINK QUITE A NUMBER OF PLACES. I THINK THIS HAS TO BE DONE, IN MY VIEW, IN ORDER TO MAKE SURE THIS LEGISLATION LINES UP WITH NOT ONLY OUR CONSTITUTION, BUT WHAT'S BEEN USED PRIOR TO NOW. THANK YOU, MR. PRESIDENT. [LB243]

PRESIDENT HADLEY: MR. CLERK. [LB243]

CLERK: MR. PRESIDENT, THE TRANSPORTATION COMMITTEE WILL HOLD AN EXECUTIVE SESSION AT 10:00 IN ROOM 2022. ALSO COMMITTEE ON EDUCATION REPORTS LB509 TO GENERAL FILE. AND JUDICIARY REPORTS LB294 TO GENERAL FILE WITH AMENDMENTS; LB437 INDEFINITELY POSTPONED. SELECT FILE REPORTS LB414 AND LB141 TO SELECT FILE, MR. PRESIDENT. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1122-1125.) [LB509 LB294 LB437 LB414 LB141]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR BRASCH, YOU'RE RECOGNIZED. [LB243]

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SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. AGAIN, I UNDERSTAND THE NEED TO PROVIDE SOUND, SOLID, SAFE, ASSURING CARE FOR CHILDREN WHO ARE IN A FAMILY SITUATION THAT IS COUNTERACTIVE OR COUNTERPRODUCTIVE TO THEIR WELL-BEING AND WHERE THE STATE COMES IN TO HELP RESOLVE NEEDS TO PLACE CHILDREN IN SITUATIONS, WHETHER THEY'RE TEMPORARY OR TO PERHAPS PUT THEM BACK WITH A FAMILY MEMBER. A CONCERN THAT WE HAVE HAD IN OUR OFFICE AND NOT JUST IN RECENT HISTORY--THIS IS RECENT, BUT IT GOES BACK EVEN TO TWO OR THREE YEARS OUT--WHERE FAMILY MEMBERS ARE NOT PREPARED OR TRAINED TO HANDLE A SITUATION OF A YOUTH IN DISTRESS, A YOUTH THAT MIGHT HAVE SPECIFIC MEDICAL NEEDS, BEHAVIORAL HEALTH NEEDS. AND I'M WONDERING AGAIN IF THIS BILL, A PILOT PROGRAM, CAN PROVIDE ASSURANCES THAT AS WE MOVE FORWARD THAT, YES, THE FAMILY IS GOOD. BUT WILL HEALTH AND HUMAN SERVICES BE THERE AND HOW OFTEN, THE FREQUENCY, THE OVERSIGHT, CONTINUED CARE THAT WE CAN HAVE? SENATOR BOLZ, WOULD YOU LIKE TO COMMENT ON THAT, PLEASE? [LB243]

SPEAKER HADLEY: SENATOR BOLZ, WILL YOU YIELD? [LB243]

SENATOR BOLZ: I'D LOVE TO COMMENT ON THAT. I APPRECIATE EXACTLY WHERE YOU'RE HEADED. THERE ARE OVERSIGHT PROVISIONS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WRITTEN INTO THE BILL, AS WELL AS AN EVALUATION COMPONENT THAT WILL MAKE SURE THAT WE ARE MEETING CRITICAL OUTCOME GOALS IN TERMS OF SAFETY, STABILITY, CONNECTIONS TO FAMILY, ETCETERA. BUT BEYOND THAT, I THINK THAT WE ARE TAKING ADDITIONAL STEPS IN TERMS OF SKILL BUILDING, MAKING SURE THAT PARENTS ARE INFORMED ABOUT STRATEGIES AND EXPECTATIONS RANGING FROM CHILD DEVELOPMENT TO TRAUMA-INFORMED CARE. WE ARE BUILDING THIS PIECE OF LEGISLATION BASED ON NATIONAL EVIDENCE-BASED BEST PRACTICES THAT HAVE BEEN EVALUATED IN OTHER STATES TO BE SUCCESSFUL AND THE INITIAL PILOT IN NEBRASKA HAS BEEN SUCCESSFUL AS WELL. THE FINAL THING I WOULD SAY IS, THE WAY THE BILL IS WRITTEN, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WOULD HAVE TO PARTNER WITH THE CONTRACTING AGENCIES NOT ONLY IN TERMS OF APPROVING RFP'S THAT MEET HIGH QUALITY CRITERIA, BUT ALSO IN AN ONGOING MANNER IN TERMS OF THE KIDS THAT THEY ARE REFERRING. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WON'T GIVE UP THEIR OVERSIGHT REQUIREMENTS. THEY STILL WILL CHECK IN TO MAKE SURE THAT THE CHILD IS SAFE AND HEALTHY AND THAT THE FAMILY SYSTEM IS FUNCTIONING. THEY WILL BASICALLY DELEGATE THESE FAMILY FINDING AND ENGAGEMENT SERVICES AND SUPPORTS TO THE CONTRACTED

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PROVIDERS. I HOPE THAT ANSWERS YOUR QUESTION. I HOPE I WASN'T TOO LONG WINDED FOR YOU. [LB243]

SENATOR BRASCH: NO. THANK YOU FOR THE DETAILS THERE, BECAUSE THAT HAS BEEN A CONCERN. AS OUR OFFICE TAKES CALLS OF FAMILIES THAT ARE DISTRESSED WITH CHILDREN IN SPECIFIC NEEDS THAT WE DO HAVE A PLAN OF ACTION, FOLLOW-UP, CONTINGENCIES MOVING FORWARD. SPEAKER, HOW MUCH TIME DO I HAVE LEFT? TIME? [LB243]

SPEAKER HADLEY: 1:3. [LB243]

SENATOR BRASCH: I HAVE NO OTHER QUESTIONS. THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES. [LB243]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR BOLZ, YOU ARE RECOGNIZED. [LB243]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AND IF HE'S WILLING, I'D LIKE TO HAVE JUST A LITTLE CONVERSATION ON THE MIKE WITH SENATOR McCOY. IS HE STILL IN THE ROOM? SENATOR McCOY MUST HAVE STEPPED OUT. BUT LET ME JUST ARTICULATE THAT I APPRECIATE HIS QUESTIONS AND I APPRECIATE HIS DILIGENCE IN TERMS OF THINKING THROUGH HOW OUR PRACTICE IS RELATED TO OUR STATUTES. AND SO WE HAD A BRIEF CONVERSATION OFF THE MIKE AND I THINK WE FOUND SOME MIDDLE GROUND. IF THE BODY IS WILLING TO MOVE FORWARD WITH ME ON SELECT FILE, I'D LIKE TO FILE AN AMENDMENT THAT STRIKES THE REFERENCE TO DOMESTIC PARTNER AND REPLACES THE FICTIVE KIN SECTION WITH OUR EXISTING KINSHIP TERM WHICH IS USED IN STATUTE 71-1901. KINSHIP HOME MEANS A HOME WHERE A CHILD OR CHILDREN RECEIVE FOSTER CARE AND AT LEAST ONE OF THE PRIMARY CARETAKERS HAS PREVIOUSLY LIVED WITH OR IS A TRUSTED ADULT THAT HAS A PREEXISTING SIGNIFICANT RELATIONSHIP WITH THE CHILD PURSUANT TO 43-1311.02. SO I HAVE ABSOLUTELY NOTHING BUT WILLINGNESS TO WORK TO CLARIFY, REFINE, AND DEFINE THAT REFERENCE. I THINK IT'S APPROPRIATE AND GOOD FEEDBACK. AND IF THE BODY IS WILLING TO MOVE FORWARD AM787 AND LB243, I'LL COMMIT TO BRING THAT AMENDMENT ON SELECT FILE. SO I APPRECIATE YOUR SUPPORT FOR THE UNDERLYING BILL AND FOR THE CONCEPT AS A WHOLE. THANK YOU, MR. PRESIDENT. [LB243]

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SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB243]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I VERY MUCH APPRECIATE THE CONVERSATION AND THE QUESTIONS. AND I'M SURE IT'S DIFFICULT BECAUSE WE'RE TRYING TO TAKE A VERY COMPLEX, FAR-REACHING CHILD WELFARE SYSTEM AND GIVE IT TO YOU IN FIVE MINUTES BECAUSE IT IS A VERY COMPLICATED SYSTEM. AND IT'S MEANT TO BE THAT IN ORDER TO PROTECT PARENTS' RIGHTS, IN ORDER TO PROTECT CHILDREN, AND TO ENSURE THAT WE ARE ALWAYS THINKING ABOUT THEIR WELL-BEING. THE AMENDMENT THAT IS BEFORE YOU CAME FROM THE COMMITTEE TO NARROW THE PROJECT TO THREE. WE CORRECTED THE TECHNICAL ISSUES THAT THE DEPARTMENT HAD ASKED FOR IN THEIR LETTER. AND I THINK WE HAVE GIVEN A GREAT FOCUS TO THIS PROJECT IN HELPING CHILDREN AND YOUTH FIND A FOREVER HOME WITH A RELATIVE OR VERY CLOSE FRIEND. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: MR. CLERK. OKAY. YOU'VE HEARD THE CLOSING ON THE COMMITTEE AMENDMENTS. ALL IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB243]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB243]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. [LB243]

CLERK: I HAVE NOTHING FURTHER ON THE BILL AT THIS TIME, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON LB243. [LB243]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AND THANK YOU TO THIS BODY. I APPRECIATE THE THOUGHTFUL DIALOGUE ABOUT OUR ROLE IN THE LIVES AND THE WELL-BEING OF CHILDREN IN THIS STATE. I'M CONVINCED, COLLEAGUES, THAT LB243 IS THE NEXT EVOLUTION IN THE WAY THAT WE RESPOND TO SUPPORTING CHILDREN AND FAMILIES AND HELPING KIDS REACH THEIR FULL POTENTIAL. I THINK THAT WE HAVE A COST-EFFECTIVE STRATEGY AND A STRATEGY THAT HAS BEEN PROVEN THROUGH EVIDENCE AND WORK IN OTHER

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STATES, INCLUDING OUR OWN. I HAVE NOTHING BUT OPTIMISM ABOUT THE POTENTIAL WE HAVE TO WORK IN PARTNERSHIP WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH OUR CHILD PLACING AGENCIES AND WITH KIDS AND FAMILIES IN OUR STATE. AND I URGE YOUR CONTINUED SUPPORT FOR LB243. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB243 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH TO? RECORD, MR. CLERK. [LB243]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB243. [LB243]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK. [LB243]

CLERK: LB243A, A BILL BY SENATOR BOLZ. (READ TITLE.) [LB243A]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON LB243A. [LB243A]

SENATOR BOLZ: THIS IS THE TRAILING A BILL FOR LB243. REMEMBER, COLLEAGUES, WITH THE AMENDMENT, THE FISCAL NOTE IS CUT IN HALF. I APPRECIATE YOUR SUPPORT ON THE TRAILING A BILL. [LB243 LB243A]

SPEAKER HADLEY: ANYONE WISHING TO SPEAK? SEEING NONE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR BOLZ WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB243A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? RECORD, PLEASE, MR. CLERK. [LB243A]

CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB243A. [LB243A]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK. [LB243A]

CLERK: LB292. A BILL BY SENATOR COASH. (READ TITLE.) INTRODUCED ON JANUARY 15 OF THIS YEAR, REFERRED TO THE JUDICIARY COMMITTEE,

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ADVANCED TO GENERAL FILE. THERE ARE JUDICIARY COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. (AM619, LEGISLATIVE JOURNAL PAGE 842.) [LB292]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. SO THIS IS LB292, WHICH IS GOING TO HAVE A COMMITTEE AMENDMENT FOLLOWING IT. THIS IS A BILL THAT CHANGES PROVISIONS RELATED TO HHS CENTRAL REGISTRY OF CHILD PROTECTION CASES AND HAD NO OPPOSITION DURING THE COMMITTEE HEARING. THIS BILL DEALS WITH A YOUTH PLACEMENT ON THE ABUSE-NEGLECT REGISTRY AND ADDITIONAL DUE PROCESSES AND NOTIFICATION PROCEDURES WHEN PLACEMENT DOES OCCUR. THIS BILL DOES NOTHING TO ADULTS WHO ARE PLACED ON THE REGISTRY. THIS PAST SUMMER, I PLACED AN INQUIRY TO HHS REGARDING THE AGE OF OFFENDERS WHO ARE ON THE CENTRAL REGISTRY OF ABUSE AND NEGLECT. I WAS SHOCKED TO LEARN AMONGST OTHER THINGS THAT FOUR CHILDREN UNDER THE AGE OF ONE WERE LISTED AS PERPETRATORS ON THE REGISTRY. EIGHTY-SEVEN YOUTH, 11 AND BELOW WERE LISTED AS OFFENDERS ON THE REGISTRY AS WELL. IT WAS UNBELIEVABLE TO ME THAT ANY CHILD JUST A FEW MONTHS OLD CAN BE LISTED AS A PERPETRATOR OF AN ABUSE OR A CRIME. HHS INDICATED TO ME IN THEIR RESPONSE THAT THEY HAD MADE MANY MISTAKES AND THEY ARE CURRENTLY WORKING DILIGENTLY TO EXPUNGE THE MAJORITY OF THESE RECORDS. THIS BILL WOULD HELP ENSURE THAT CHILDREN AGES 11 AND BELOW DO NOT END UP ON THE REGISTRY, WHETHER OR NOT IT WAS A MISTAKE. CURRENTLY, THERE IS NO REVIEW OF HHS OF WHO'S LISTED ON THE REGISTRY. AND IF IT WERE NOT FOR MY INQUIRY LAST SUMMER, THESE BABIES WOULD MOST LIKELY STILL BE ON THE CENTRAL REGISTRY. LB292 STATES THAT IN NO CASE MAY A CHILD 11 AND UNDER BE PLACED ON THE REGISTRY, REGARDLESS OF THE NATURE OF THEIR CRIME. YOUTH, AGED 12 AND OLDER, MAY ONLY BE LISTED AS AGENCY SUBSTANTIATED OR COURT SUBSTANTIATED AS DEFINED IN STATUTE. THIS BILL ALSO REQUIRES HHS TO REPORT ANNUALLY ON THE NUMBER, AGES, AND CLASSIFICATION OF CHILDREN PLACED ON THE ABUSE REGISTRY. AND THIS REPORT WILL BE SENT TO THE GOVERNOR AND TO THE CHAIRS OF THE HHS AND JUDICIARY COMMITTEES ANNUALLY. CURRENTLY, THE HHS FOLLOWS A GUIDANCE POLICY FOR PLACING YOUTH ON THE CENTRAL REGISTRY; NO STATUTE OR EVEN A REGULATION. IN SOME INSTANCES, HHS FAILS TO FOLLOW ITS OWN GUIDANCE ON PLACING YOUTH OFFENDERS ON THE REGISTRY. AND BY FAILING TO DO SO, IT IS POSSIBLE THAT NEBRASKA IS SUBJECTING ITSELF TO LITIGATION. WE CAN PROTECT OURSELVES FROM FUTURE LAWSUITS BY PLACING MORE OVERSIGHT ON THIS REGISTRY. LB292 ALSO ENABLES A DUE PROCESS FOR CHILDREN IN THE

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EXPUNGEMENT OF ANY CHILD PLACED ON THE REGISTRY ONCE THEY BECOME AN ADULT. LB292 REQUIRES THAT A MANDATORY EXPUNGEMENT HEARING FOR A JUVENILE SHOULD TAKE PLACE WHEN THE DEPARTMENT CLASSIFIES A YOUTH AS COURT SUBSTANTIATED OR AGENCY SUBSTANTIATED; THE YOUTH DOES NOT RETURN A SIGNED AND NOTARIZED WAIVER OF A MANDATORY OR EXPUNGEMENT HEARING; OR WITHIN 60 DAYS OF THE CHILD'S 19th BIRTHDAY. THE MANDATORY EXPUNGEMENT HEARING MAY TAKE PLACE BY ANY MEANS, INCLUDING THE TELEPHONE. AND IT SHOULD ALSO BE NOTED THAT HAVING AN EXPUNGEMENT HEARING DOES NOT GUARANTEE THAT ANY YOUTH WILL BE REMOVED FROM THE REGISTRY, BUT IT DOES PROVIDE THE DUE PROCESS AND AWARENESS FOR THAT YOUTH THAT MAY NOT KNOW OR HAVE FORGOTTEN THAT THEY'RE ON THE REGISTRY. BRANDING A CHILD AS A CHILD ABUSER ON THE BASIS OF HIS OR HER JUVENILE ADJUDICATION IS DIRECTLY AT ODDS WITH THE SPIRIT OF NEBRASKA'S JUVENILE CODE. AND I ASK THAT YOU SUPPORT THIS BILL AND ITS COMMITTEE AMENDMENT. COLLEAGUES, KIDS, AS WE HAVE HEARD SEVERAL TIMES, EVEN ON THE BILL PREVIOUS TO THIS, FIND THEMSELVES IN BAD SITUATIONS BY NO FAULT OF THEIR OWN. AND SOMETIMES THOSE BAD SITUATIONS RESULT IN THEM DOING BAD THINGS AS WELL. BUT AS WE'RE FOND OF SAYING ON THIS FLOOR, KIDS ARE VULNERABLE. AND MANY TIMES THEY END UP IN A SYSTEM THAT IS THERE TO PROTECT THEM. BUT BEING PUT ON THE ABUSE REGISTRY IS A BIG DEAL. AND THERE NEEDS TO BE PROTECTIONS FOR CHILDREN SO THAT THEIR RIGHTS ARE PROTECTED AND THEIR FUTURES CAN REMAIN BRIGHT. IF YOU'RE IN A BAD FAMILY AS A CHILD OR YOU'RE PLACED OUT OF THE HOME, YOU ARE LOST. AND IF SOMEWHERE DURING THAT CHILDHOOD YOU FIND YOURSELF ON THIS REGISTRY, YOU'RE NOT GOING TO HAVE THE RESOURCES TO TAKE CARE OF THAT, YOU'RE WORRIED ABOUT SURVIVAL. AND SO SOME DAY THOSE CHILDREN BECOME ADULTS. AND SOMETHING THAT WAS PART OF THEIR PAST IS GOING TO COME BACK TO HAUNT THEM AND THEY WON'T EVEN KNOW IT UNTIL THEY TRY TO GO GET A JOB; APPLY FOR A LICENSE TO BE A DENTAL HYGIENIST. THESE ARE THE KINDS OF THINGS THAT CAN HAPPEN WHEN WE DON'T HAVE PROTECTIONS IN PLACE. SO WHAT LB292 DOES IN ESSENCE, COLLEAGUES, IS IT PUTS SOME PROCEDURES IN PLACE SO THAT A CHILD WHO HAS FOUND HIMSELF OR HERSELF IN THIS SITUATION HAS A MEANS TO GET OUT OF IT. AND IT PUTS IN PLACE SOME PROCEDURES THAT THOSE WHO ARE CHARGED TO LOOK AFTER THEIR BEST INTERESTS ARE ACTUALLY DOING SO. AND HOPEFULLY WE CAN PREVENT WHAT I FOUND LAST SUMMER WHICH IS SOME EGREGIOUS MISTAKES ON THE PART OF THE DEPARTMENT IN PLACING CHILDREN ON THE REGISTRIES. THIS BILL FIXES THOSE MISTAKES AND PREVENTS THEM IN THE FUTURE. AND WITH THAT, I WOULD URGE MY COLLEAGUES TO SUPPORT LB292. [LB292]

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SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR COASH, AS VICE CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB292]

SENATOR COASH: OKAY. THANK YOU, MR. PRESIDENT. AM619 WAS A JUDICIARY COMMITTEE AMENDMENT. AND THIS AMENDMENT WAS ADOPTED ALSO ON AN 8-0 VOTE. THIS AMENDMENT IS PRIMARILY TECHNICAL IN NATURE. IT ADDRESSES SOME TECHNICAL CONCERNS WITH THE PROCEDURES BROUGHT TO US BY THE DEPARTMENT. HERE'S WHAT THE AMENDMENT DOES. IT PROVIDES THAT A WAIVER OF A MANDATORY EXPUNGEMENT HEARING WOULD NEED TO ALSO BE SIGNED BY THE SUBJECT'S ATTORNEY, PARENT, GUARDIAN, OR GUARDIAN AD LITEM. IT PROVIDES THAT HHS WOULD BE PROHIBITED FROM SIGNING THE WAIVER AS THE GUARDIAN AND IT ALSO CLARIFIES THE PROCEDURE FOR THE SECOND EXPUNGEMENT HEARING TO BE HELD WITHIN 60 DAYS AFTER THE SUBJECT'S 19th BIRTHDAY. SO, AGAIN, AM619 WAS WORKED OUT WITH THE DEPARTMENT. I WORKED WITH THEM OVER THE SUMMER. THEY WERE AWARE OF MY CONCERNS. THEY KNEW I WAS GOING TO BRING A BILL THAT ADDRESSED THIS ISSUE AND WE WORKED TOGETHER TO CRAFT LB292. AND THE FOLLOWING AMENDMENT WAS CRAFTED WITH THEIR INPUT AS WELL TO MAKE IT A WORKABLE AND CONSISTENT PIECE OF LEGISLATION. AND I WOULD URGE YOUR SUPPORT OF THE COMMITTEE AMENDMENT AS WELL. THANK YOU, MR. PRESIDENT. [LB292]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: THANK YOU, SENATOR COASH. MR. CLERK. MEMBERS, YOU'VE HEARD THE OPENING ON THE BILL AND THE COMMITTEE AMENDMENT. WE NOW MOVE TO DISCUSSION. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED? [LB292]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB292 AND AM619. JUST AS A LITTLE BACK HISTORY, WHEN PEOPLE ASK ME WHAT IT'S LIKE TO BE HERE IN THE LEGISLATURE, I ALWAYS SAY IT'S A PRIVILEGE AND AN HONOR TO BE HERE. AND I TRULY BELIEVE IT IS A PRIVILEGE AND AN HONOR TO BE HERE BECAUSE THERE ARE SO MANY INSTANCES WHERE WE CAN WORK ON LAWS AND CREATE BILLS AND WORK ON THINGS THAT CAN HELP OTHERS THAT WE DON'T EVEN REALIZE THAT WE WILL BE ABLE TO HELP. AND I FEEL THAT WE ALMOST HAVE A SACRED DUTY TO HELP OTHERS AND TO MAKE SURE THAT LAWS ARE JUST AND FAIR. AND I'M REALLY SORRY THAT

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NOBODY IS REALLY HERE TODAY TO LISTEN TO THIS BECAUSE I WANT TO HIGHLIGHT...COULD I GET A GAVEL, PLEASE, MR. PRESIDENT? [LB292]

SPEAKER HADLEY: (GAVEL) [LB292]

SENATOR PANSING BROOKS: THANK YOU. WITH THE FEW PEOPLE HERE, I WANT YOU TO UNDERSTAND WHAT AN IMPORTANT BILL SENATOR COASH HAS JUST PRESENTED TO US. AGAIN, I FEEL THAT WE HAVE ALMOST A SACRED DUTY TO MAKE SURE LAWS ARE JUST AND FAIR. AND SENATOR COASH HAS GONE ABOVE AND BEYOND IN THIS CASE. HE'S GONE ABOVE AND BEYOND BECAUSE HE'S FOUND INFORMATION THAT COULD HAVE LIFELONG IMPACTS ON NEBRASKA CITIZENS WHOM HE AND WE WILL NEVER KNOW. THAT IS A TRUE HONOR AND A TRUE BLESSING AND A TRUE GIFT TO BE ABLE TO COME HERE AND DO SOMETHING THAT WILL AFFECT PEOPLE SO SIGNIFICANTLY. THE FACT THAT HE FOUND PEOPLE ON THE CHILD REGISTRY WHO WERE ACTUALLY THE RECIPIENTS OF ABUSE AND WHO HAD ENDURED ABUSE AND HAD NOT BEEN THE ONES TO PERPETRATE THE CRIME, AND YET THOSE CHILDREN WOULD GROW TO BECOME ADULTS AND AS THEY APPLY FOR JOBS THEY COULD GET TURNED DOWN FOR POSITIONS AND FOR JOBS BECAUSE SOMEBODY WOULD DO A QUICK REVIEW AND HHS COULD COME BACK AND SAY, THERE'S INFORMATION ON THIS PERSON. AND SO THEY WOULD JUST TURN THAT PERSON DOWN FOR A JOB FLAT OUT, NOT EXPLAIN WHY. SO THIS IS ONE OF THOSE INSTANCES WHERE I BELIEVE OUR SACRED DUTY TO WORK FOR JUSTICE AND WHAT IS RIGHT IN OUR WORLD IS BEING DONE BY SENATOR COASH. SO I WOULD LIKE TO THANK HIM AND ENCOURAGE US ALL TO TRY TO FIND THOSE INSTANCES WHEN WE CAN MAKE SURE THAT JUSTICE IS DONE. THAT WE CAN HELP PEOPLE THAT WE DON'T EVEN REALIZE THAT WE CAN HELP AT SOME POINT. THAT IS THE TRUE PRIVILEGE OF BEING HERE, TO BE ABLE TO REPRESENT NEBRASKANS AND TO MAKE A DIFFERENCE IN OUR STATE AND MAKE NEBRASKA THE STATE IT IS. THANK YOU SO MUCH, SENATOR COASH. AND THANK YOU, MR. PRESIDENT. [LB292]

SENATOR GLOOR: THANK YOU, SENATOR PANSING BROOKS. ARE THERE OTHER SENATORS WISHING TO BE RECOGNIZED? SEEING NONE, SENATOR COASH, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS. [LB292]

SENATOR COASH: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. AND THANK YOU, SENATOR PANSING BROOKS, FOR THE KIND COMMENTS. LB292, AS SHE STATED, IS SIGNIFICANT. IT'S RIGHTING A WRONG. COULD YOU IMAGINE WHAT IT WOULD BE LIKE TO HAVE EXPERIENCED ABUSE AS A CHILD, PHYSICAL

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ABUSE, NEGLECT, SEXUAL ABUSE, AND THEN BECAUSE OF THE LACK OF DUE PROCESS AND OVERSIGHT, YOU THEN BECOME LISTED AS AN ABUSER BY A CLERICAL MISTAKE? ADD TO THAT THE RESULT OF YOUR ABUSE PUTS YOU IN THE SYSTEM. AND YOU MAY END UP BEING A STATE WARD AND SO THE STATE OF NEBRASKA BECOMES YOUR PARENT. AND I HAVE TO TELL YOU, WE HAVE A LOT OF GOOD PEOPLE IN STATE GOVERNMENT BUT THE STATE IS A TERRIBLE PARENT. AND PARENTS ARE SUPPOSED TO LOOK AFTER THEIR CHILDREN, PROTECT THEIR RIGHTS, PROTECT THEIR WELL-BEING. AND IF THE ENTITY PLACED IN THAT ROLE--IN THIS CASE, IT'S THE STATE--MAKES A MISTAKE AND YOU END UP ON THIS REGISTRY AS A CHILD, THAT'S A LOT OF SALT IN A WOUND. AND SO WHAT WE'RE TRYING TO DO HERE WITH THIS BILL AND THE COMMITTEE AMENDMENT IS PREVENT THIS FROM HAPPENING AGAIN. THIS IS THE ROLE OF THE LEGISLATURE. WE'RE GOING TO GET SOME OVERSIGHT OVER THIS. WE'RE GOING GET IT IN PLACE TO MAKE SURE THIS DOESN'T HAPPEN AGAIN. AND FOR THAT REASON, I URGE YOU TO ADOPT THE COMMITTEE AMENDMENT AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB292]

SENATOR GLOOR: THANK YOU, SENATOR COASH. MEMBERS, YOU'VE HEARD THE CLOSING ON THE AMENDMENT TO LB292. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENT BE ADOPTED? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB292]

CLERK: 26 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB292]

SENATOR GLOOR: THE AMENDMENT IS ADOPTED. WE RETURN TO DISCUSSION ON THE UNDERLYING BILL, LB292. SENATOR CRAWFORD, YOU'RE RECOGNIZED? [LB292]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB292 AND JUST WANTED TO ECHO SENATOR PANSING BROOKS' COMMENTS ABOUT HOW IMPORTANT IT IS TO FIX THIS ISSUE IN OUR STATE. I ALSO JUST WANT TO ALSO THANK AND COMMEND SENATOR COASH FOR HIS WORK IN CONDUCTING OVERSIGHT. REALLY, WE WERE JUST TALKING ON AN EARLIER BILL ABOUT THE RELATIONSHIP BETWEEN THE DEPARTMENTS AND OUR BODY. AND SO I AM SO GRATEFUL TO SENATOR COASH FOR ASKING FOR INFORMATION FROM THE DEPARTMENT AND GETTING THAT INFORMATION AND WORKING ON IT CRITICALLY AND FIGURING OUT HOW TO FIX...WORKING WITH THE DEPARTMENT THEN TO FIGURE OUT HOW TO FIX THIS ISSUE. AND THEN ALSO

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PUTTING IN THE BILL IMPORTANT DATA REPORTING SO THAT WE CAN CONTINUE TO WATCH THIS AND MAKE SURE THAT IT WORKS WELL. SO I THANK SENATOR COASH FOR HIS WORK AND URGE YOU TO VOTE GREEN ON LB292. THANK YOU. [LB292]

SENATOR GLOOR: THANK YOU, SENATOR CRAWFORD. SENATOR KRIST, YOU'RE RECOGNIZED. [LB292]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AGAIN. AND GOOD MORNING, NEBRASKA. IF YOU'RE HERE AND YOU HAVE YOUR COMPUTER WITH YOU, I WANT YOU TO TAKE A LOOK AT THE COMMITTEE STATEMENT. I WANT YOU TO LOOK AT THE PEOPLE WHO CAME IN TO TESTIFY AS PROPONENTS, OPPONENTS, AND NEUTRAL. YOU'LL SEE THERE WERE NO OPPONENTS. AND THERE SHOULD NOT HAVE BEEN ANY NEUTRAL TESTIMONY. THIS ISSUE IS TOO IMPORTANT. IT IS TOO CRITICAL. BUT WHAT I'D ALSO POINT OUT TO YOU IS THAT YOU HAVE PUBLIC DEFENDERS ON ONE SIDE OF AN ISSUE AND YOU HAVE THE COUNTY ATTORNEYS ON THE OTHER SIDE. AND MY EXPERIENCE IN THE JUDICIARY COMMITTEE THIS YEAR AND WORKING WITH JUVENILE JUSTICE IS THE TWO DON'T CARE ABOUT THE MIDDLE, THEY ARE ON OPPOSITE SIDES OF AN ISSUE CONTINUOUSLY. COUNTY ATTORNEYS SEEM LIKE THEY WANT TO LOCK PEOPLE UP FOREVER, MAKE SURE THEY STAY ON A REGISTRY, NOT EVEN TREAT KIDS LIKE KIDS. I'M SURE I'M GOING TO GET SOME MAIL ON THIS ONE. THERE SHOULDN'T HAVE BEEN ANYBODY IN NEUTRAL OR OPPOSITION. SENATOR COASH SHOULD BE COMMENDED FOR BRINGING IT FORWARD. THIS IS AN OVERSIGHT. THIS IS A MISTAKE. THIS IS WHY WE ARE HERE, TO APPLY THE OVERSIGHT IN GOVERNMENT AND CORRECT THE WRONGS THAT NEED TO BE CORRECTED. THANK YOU, SENATOR COASH. AND I WOULD SUPPORT WHOLEHEARTEDLY LB292, COLLEAGUES. [LB292]

SENATOR GLOOR: THANK YOU, SENATOR KRIST. SEEING NO SENATORS REMAINING IN THE QUEUE, SENATOR COASH, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT. [LB292]

SENATOR COASH: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR CRAWFORD AND SENATOR KRIST, FOR YOUR COMMENTS. I WILL PUT THIS ON THE RECORD BECAUSE I'VE BEEN ASKED OFF THE MIKE AND SENATOR KRIST MENTIONED IT ON THE MIKE. IN THIS BILL, IF YOU'RE A CHILD AND YOU'RE PLACED ON THE REGISTRY AND YOU'RE 18 YEARS OLD AND SIX MONTHS AT THE TIME, YOU HAVE A SHOT AT EXPUNGEMENT WITHIN A YEAR BECAUSE THE BILL

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PROVIDES FOR A MANDATORY EXPUNGEMENT HEARING WITHIN 60 DAY AFTER YOUR 19th BIRTHDAY. BUT IT DOESN'T GUARANTEE THAT YOU'RE GOING TO HAVE YOUR RECORD EXPUNGED. IT GUARANTEES THAT THAT YOUNG PERSON WHO BECOMES AN ADULT AT LEAST BECOMES AWARE THAT THEY HAVE THIS OVER THEIR HEAD. AND IT'S LIKELY THAT IT'S DESERVED BECAUSE I DO HAVE FAITH IN THE SYSTEM THAT WHEN IT'S OPERATING CORRECTLY, THE RIGHT PEOPLE ARE PUT ON THE REGISTRY. OBVIOUSLY, NO INFANT SHOULD HAVE EVER BEEN PUT ON THE REGISTRY. BUT WHEN THE COUNTY ATTORNEYS CAME IN, I THINK THE NATURE OF THEIR OPPOSITION WAS, WHY WOULD YOU GIVE THIS CHILD A CHANCE SO QUICKLY? WELL, I WASN'T GOING TO WRITE IN THE BILL THAT WE WOULD HAVE A DIFFERENT PROCESS IF YOU WERE CLOSE TO YOUR 19th BIRTHDAY BEFORE YOU GET THIS CHANCE. I JUST WANTED TO WRITE IN THE BILL THAT WHEN YOU BECOME AN ADULT--AND IN NEBRASKA THAT'S 19 YEARS OLD--THAT YOU HAVE A PROCESS THAT AT LEAST MAKES YOU AWARE OF WHAT'S GOING ON WITH YOUR LIFE BECAUSE IT DOESN'T GO AWAY WHEN YOU BECOME AN ADULT. IT BECOMES MORE IMPORTANT WHEN YOU'RE AN ADULT TO KNOW WHETHER OR NOT YOU'RE ON THIS REGISTRY OR NOT. IN THE EXPUNGEMENT HEARINGS--AND I'VE HAD EXPERIENCE WITH THIS--YOU GET TO BRING EVIDENCE, YOU GET TO CROSS EXAMINE OTHER TESTIFIERS. AND SO IF THERE'S AN ENTITY OUT THERE OR A PERSON, LIKE A COUNTY ATTORNEY, WHO DOESN'T THINK THAT PERSON SHOULD HAVE THEIR RECORD EXPUNGED THEY'LL HAVE THEIR CHANCE TO PRESENT EVIDENCE TO THAT EFFECT. SO IT DOESN'T GIVE ME ANY CONCERN AND I THINK IT IS REFLECTED IN THE NEUTRAL TESTIMONY. ALTHOUGH I QUESTION, LIKE SENATOR KRIST, WHY THEY TESTIFIED AT ALL. BUT WITH THAT, I AM GLAD TO PUT THAT ON THE RECORD. I AM GLAD THAT WE ARE GETTING SOME RESOLUTION TO THIS ISSUE SO THAT WE CAN PREVENT THIS FROM HAPPENING AGAIN. AND THAT WE CAN PROTECT FUTURE CHILDREN FROM WHAT COULD HAVE BEEN SOMETHING PRETTY TRAGIC. AND I'LL ADD THIS. THIS HAS BEEN GOING ON...SOME OF THE RECORDS WE FOUND WERE DECADES OLD. THE DEPARTMENT IS HAVING TROUBLE FINDING SOME OF THE PEOPLE THAT THEY ERRONEOUSLY PUT ON THE REGISTRY BECAUSE THE RECORDS ARE SO OLD. SO I'M GLAD THAT WE'RE TAKING CARE OF THIS AND I'M GLAD LB292 CAN BE PART OF A SOLUTION MOVING FORWARD. AND I URGE YOUR ADOPTION. THANK YOU, MR. PRESIDENT. [LB292]

SENATOR GLOOR: THANK YOU, SENATOR COASH. MEMBERS, THE QUESTION BEFORE US IS, THE ADVANCEMENT OF LB292 TO E&R INITIAL. THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB292]

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CLERK: 28 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB292]

SENATOR GLOOR: THE BILL ADVANCES. MR. CLERK. [LB292]

CLERK: MR. PRESIDENT, LB292A INTRODUCED BY SENATOR COASH. (READ TITLE.) [LB292A]

SENATOR GLOOR: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON LB292A. [LB292A]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, SOMETIMES DOING THE RIGHT THING COSTS MONEY. SOMETIMES IN ORDER TO MAKE SURE THAT DUE PROCESS OCCURS, YOU HAVE TO HAVE THE PERSONNEL TO BE ABLE TO ENACT THAT DUE PROCESS. AND THAT'S HOW WE GET LB292A. IT'S A SMALL FISCAL NOTE. IT REFLECTS THE COST OF A POTENTIAL NEED FOR ADDITIONAL HEARING OFFICERS SO THAT CHILDREN WHO ASK TO HAVE THEIR NAMES EXPUNGED CAN HAVE THAT DONE IN A TIMELY MANNER. SINCE LB292 MANDATES A HEARING OPPORTUNITY BUT NOT A HEARING ITSELF, IT'S UNKNOWN HOW MANY HEARINGS THERE WILL BE. LB292A REFLECTS THE POTENTIAL COST OF THAT. I WOULD HAZARD TO GUESS THAT IF WE'RE DOING A GOOD JOB WITHIN THIS SYSTEM, WE DON'T HAVE TO DO THAT MANY EXPUNGEMENTS, BUT TIME WILL TELL. AND THAT'S THE PURPOSE OF THE REPORTS AND THE DATA THAT IS MANDATED TO BE GIVEN BACK TO THE LEGISLATURE. BUT IN ANY CASE, I WOULD APPRECIATE YOUR SUPPORT OF LB292A SO THAT WE HAVE THE RESOURCES TO FULFILL THOSE DUTIES THAT ARE PURPORTED IN LB292. THANK YOU, MR. PRESIDENT. [LB292A LB292]

SENATOR GLOOR: THANK YOU, SENATOR COASH. MEMBERS, YOU'VE HEARD THE OPENING ON LB292A. ARE THERE SENATORS WISHING TO BE RECOGNIZED? SEEING NONE, SENATOR COASH WAIVES CLOSING. MEMBERS, THE QUESTION IS, SHALL LB292A BE ADVANCED TO E&R INITIAL? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB292A]

CLERK: 25 AYES, 0 NAYS ON THE ADVANCEMENT OF THE A BILL, MR. PRESIDENT. [LB292A]

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SENATOR GLOOR: THE BILL ADVANCES. ITEMS FOR THE RECORD, MR. CLERK?
[LB292A]

CLERK: THANK YOU. NEW RESOLUTION: LR178 BY SENATOR DAVIS. THAT WILL BE LAID OVER. NEW A BILL: SENATOR HOWARD, LB500A. (READ TITLE.) THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 1126-1127.) [LR178 LB500A]

SENATOR GLOOR: THANK YOU, MR. CLERK. CONTINUING WITH GENERAL FILE, MR. CLERK.

CLERK: MR. PRESIDENT, NEXT BILL IS LB649. IT'S A BILL BY SENATOR KINTNER. (READ TITLE.) INTRODUCED ON JANUARY 21, AT THAT TIME REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM821, LEGISLATIVE JOURNAL PAGE 851.) [LB649]

SENATOR GLOOR: THANK YOU, MR. CLERK. SENATOR KINTNER, YOU'RE RECOGNIZED TO OPEN ON LB649. [LB649]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I APOLOGIZE FOR THE COMING AND GOING VOICE HERE BUT I'M FIGHTING A COLD. FIRST OF ALL, I WANT TO THANK THE...THE TRANSPORTATION...THE GOVERNMENT COMMITTEE AND ITS CHAIRMAN MURANTE. I WANT TO THANK YOU, THANK SENATOR McCOY FOR PRIORITIZING THIS BILL. AND THIS IS VERY SIMPLE. IT'S DEALING WITH PUBLIC RECORDS. IT REQUIRES ALL VOTES TAKEN BY PUBLIC OFFICIALS IN THE COURSE OF THEIR PUBLIC DUTIES SHALL BE CONSIDERED PUBLIC RECORDS. THE COMMITTEE AMENDMENT AM821, WHICH I SUPPORT, WOULD BECOME THE BILL AND THAT WILL BE INTRODUCED IN A SECOND HERE. I BELIEVE THAT IMPROVES THE BILL AND ITS PURPOSES. BUT I'LL LET SENATOR MURANTE OR HIS DESIGNEE EXPLAIN WHAT THOSE ARE. AND I'VE SAID BEFORE ON THE FLOOR, NEBRASKA IN GENERAL DOES A DECENT JOB OF REQUIRING TRANSPARENCY IN OUR GOVERNMENT. YET, WHEN IT COMES TO VOTES FOR LEADERSHIP WITHIN PUBLIC BODIES, WE STILL ALLOW PUBLIC OFFICIALS TO HIDE. LB649 IMPROVES TRANSPARENCY WITHIN GOVERNMENT BODIES BY ALLOWING VOTERS TO SEE ALL THE VOTES THEIR GOVERNMENT LEADERS ARE CASTING BECAUSE THEY ARE PUBLIC RECORDS. YOU KNOW, LEADERSHIP VOTES ARE JUST AS IMPORTANT AS ANY OTHER VOTES THAT ARE MADE WITHIN A PUBLIC BODY AND SHOULD BE AVAILABLE TO THE ELECTORATE AS PUBLIC

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RECORDS TO HOLD ELECTED OFFICIALS TO THEIR CAMPAIGN PROMISES AND PUBLIC STATEMENTS. WHY? BECAUSE PEOPLE REPRESENT IDEAS IN POLITICS. THIS FACT THAT PEOPLE RECOGNIZE IDEAS IN POLITICS GOES AGAINST THE IDEA THAT'S BEEN ARGUED IN THE LEGISLATURE MANY TIMES WHICH SAYS THE LEADERSHIP VOTES ARE JUST AN INTERNAL ORGANIZATION. I STRONGLY DISAGREE WITH THAT POSITION. PEOPLE IN NEBRASKA NEED TO KNOW WHO THEIR ELECTED OFFICIALS ARE VOTING AND SUPPORTING WITHIN ANY PUBLIC BODY. LEADERSHIP IN PUBLIC BODIES CLEARLY HAVE A LARGE INFLUENCE ON THE AGENDA OF ANY PUBLIC BODY. OFTENTIMES, THEY'RE CRITICAL TO SUCCESS OR FAILURE OF ISSUES THAT COME BEFORE A PUBLIC BODY. I SINCERELY BELIEVE THE PUBLIC WILL BE BETTER SERVED IF THE LIGHT OF THE PUBLIC SCRUTINY SHOWN ON ALL VOTES OF PUBLIC OFFICIALS IN NEBRASKA. AND I WOULD URGE MY...THE MEMBERS HERE TO ADVANCE THIS TO THE NEXT ROUND. AND THERE IS A COMMITTEE AMENDMENT COMING. [LB649]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. SENATOR MURANTE, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB649]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I RISE TODAY IN SUPPORT OF LB649 AND TO INTRODUCE THE COMMITTEE AMENDMENT. THE COMMITTEE AMENDMENTS KEEPS INTACT THE SPIRIT OF WHAT SENATOR KINTNER IS ATTEMPTING TO DO, BUT HOW LEADERSHIP ELECTIONS PLAY THEMSELVES OUT WOULD WORK A LITTLE BIT DIFFERENTLY. AND THE CONCERN THAT WAS BROUGHT TO THE COMMITTEE, AND I THINK IT IS A LEGITIMATE ONE, IS THAT TO HAVE A LEADERSHIP ELECTION WHICH HAS A ROLL CALL VOTE OR A BOARD VOTE MAY PUT PEOPLE IN THE POSITION WHERE THEY ARE SITTING NEXT TO A PERSON WHO'S RUNNING AND THEY HAVE TO STAND UP AND OPPOSE THEM AND IT'S A LITTLE BIT IN YOUR FACE, SO TO SPEAK. THIS IS...THE AMENDMENT IS AN ATTEMPT TO MITIGATE THAT LEVEL OF HEARTBURN TO AN EXTENT. AND WHAT IT WOULD ALLOW IS THAT THE PROCESS BY WHICH A LEADERSHIP ELECTION WOULD PLAY ITSELF OUT WOULD INCLUDE A BALLOT, BUT WHO A PERSON VOTED FOR WOULD NOT BE SECRET AND IT WOULD BE RECORDED FOR THE JOURNAL. SO THE BALLOT WOULD HAVE SOME SORT OF IDENTIFYING CHARACTERISTIC ON IT SAYING THE...WHO THE ELECTED OFFICIAL'S NAME IS AND THEN WHO THE PERSON VOTED FOR. THAT IS AN EFFORT TO...THERE WAS...IN COMMITTEE THERE WAS A LOT OF TALK ABOUT IN

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INSTITUTIONS LIKE OURS AND MANY POLITICAL SUBDIVISIONS, COLLEGIALLY AND FRIENDSHIP IS VERY IMPORTANT TO MAINTAINING A HIGH-FUNCTIONING LEVEL OF GOVERNMENT. AND TO STAND UP NEXT TO A PERSON WHO'S RUNNING AND PUBLICLY STATE THAT YOU'RE NOT WITH HIM OR HER MIGHT ERODE THAT LEVEL OF COLLEGIALLY AND COURTESY. SO WHAT THIS BILL DOES IS IT MAINTAINS...WHAT THE AMENDMENT DOES, IT MAINTAINS THAT LEVEL OF COLLEGIALLY AND COURTESY. IT PROVIDES, PERHAPS, A BUFFER ZONE BETWEEN THE VOTES TAKEN AND PROVIDING THAT LEVEL OF TRANSPARENCY WHICH SENATOR KINTNER IS ATTEMPTING TO ACHIEVE. SO THIS BILL AS AMENDED ACCOMPLISHES THE GOAL OF ALLOWING THE PUBLIC TO OBSERVE AND TO JUDGE US BY ALL OF OUR VOTES, NOT JUST THE MATTERS OF PUBLIC POLICY BUT THE PEOPLE WHO WE BELIEVE OUGHT TO BE LEADING COMMITTEES AND LEADING THE POLITICAL SUBDIVISION OF THE STATE OF NEBRASKA. IT ALLOWS THEM...IT ALLOWS THE VOTERS OF NEBRASKA TO HAVE AWARENESS AND FAMILIARITY WITH ALL OF THE VOTES THAT THEIR ELECTED OFFICIALS TAKE AND TO JUDGE THEM ACCORDINGLY. BUT IT ALSO RESPECTS AND RECOGNIZES THE IMPORTANCE OF CIVILITY AND COLLEGIALLY WITHIN GOVERNING BODIES. I BELIEVE THE BILL AS IT CURRENTLY IS PRESENTED ACCOMPLISHES BOTH OF THOSE TWO ENDS. I ENCOURAGE YOUR SUPPORT OF THE COMMITTEE AMENDMENT AND OF LB649. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB649]

SENATOR CHAMBERS: MR. PRESIDENT, I HAVE A MOTION. [LB649]

SPEAKER HADLEY: OKAY, THE BILL IS GOING INTO THE SYSTEM, SO YOU CAN OPEN ON YOUR MOTION TO BRACKET THE BILL. [LB649]

SENATOR CHAMBERS: THANK YOU. MY MOTION IS TO BRACKET THIS BILL. THIS IS ONE OF THE MOST BIZARRE, INCOHERENT PIECES OF NONSENSE THAT I'VE READ. YOU DON'T VOTE SO PEOPLE CAN SEE YOU VOTE, BUT THEY WRITE IT ON A PIECE OF PAPER AND FILE IT SO THEN THEY CAN BRING THAT PAPER OUT AND TELL EVERYBODY HOW YOU VOTED. THAT DOESN'T MAKE ANY SENSE. BUT I WOULD LIKE TO ASK SENATOR MURANTE A QUESTION SINCE HE'S THE BRAINS BEHIND THIS, I GUESS. (LAUGHTER) SENATOR MURANTE, WOULD THIS APPLY TO THE... [LB649]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD? [LB649]

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SENATOR MURANTE: YES, I WILL. [LB649]

SENATOR CHAMBERS: WOULD THIS APPLY TO...DO YOU KNOW THAT AT CERTAIN...ARE YOU AWARE THAT AT CERTAIN LEVELS OF THE JUDICIAL SYSTEM THEY HAVE A PRESIDING JUDGE? [LB649]

SENATOR MURANTE: YES. [LB649]

SENATOR CHAMBERS: HOW DO THEY SELECT THAT PRESIDING JUDGE? [LB649]

SENATOR MURANTE: A PRESIDING JUDGE? ARE YOU TALKING ABOUT LIKE ELECTION BOARDS WHERE THERE'S PRESIDING...THERE ARE ELECTION JUDGES, IF THAT'S... [LB649]

SENATOR CHAMBERS: LET'S SAY THE JUVENILE COURT. THEY HAVE A PRESIDING JUDGE OF THE JUVENILE COURT. HOW DO THEY SELECT THAT PRESIDING JUDGE? [LB649]

SENATOR MURANTE: I'M NOT FAMILIAR WITH THE JUVENILE COURT, SENATOR CHAMBERS. [LB649]

SENATOR CHAMBERS: SO HOW DOES YOUR BILL IMPACT THAT PROCESS, WHATEVER IT IS? [LB649]

SENATOR MURANTE: IT CERTAINLY ISN'T INTENDED TO. I DON'T KNOW THAT THERE ARE LEADERSHIP ELECTIONS. IF THERE IS "BLOWBACK" ON THAT, I'D CERTAINLY BE HAPPY TO LEARN MORE ABOUT IT. [LB649]

SENATOR CHAMBERS: ARE JUDGES PUT...ARE JUDGES PUBLIC OFFICIALS PURSUANT TO THIS BILL? [LB649]

SENATOR MURANTE: TO THE OPEN MEETINGS ACT...I'M NOT SURE THE OPEN MEETINGS ACT APPLIES TO THE JUDICIARY, BUT I WILL RESEARCH THAT, SENATOR CHAMBERS. [LB649]

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SENATOR CHAMBERS: SO YOU CAN'T TELL ME RIGHT NOW WHETHER THIS APPLIES TO ANY PROCEEDINGS THAT THE JUDGES MIGHT HAVE WHEREBY THEY VOTE FOR A LEADER? YOU DON'T KNOW? [LB649]

SENATOR MURANTE: I WILL SAY THAT THAT IS NOT MY UNDERSTANDING. BUT IF I AM INCORRECT, I WILL CERTAINLY CORRECT THE RECORD. [LB649]

SENATOR CHAMBERS: WHAT IS YOUR UNDERSTANDING? BECAUSE YOU MIGHT BE RIGHT, I MAY BE CRAZY, OR IT JUST MIGHT BE A LUNATIC YOU'RE LOOKING FOR. [LB649]

SENATOR MURANTE: ...JUST MAY BE A LUNATIC YOU'RE LOOKING FOR. (LAUGH) THAT'S NOT MY UNDERSTANDING. I AM LOOKING AT THE STATUTE RIGHT NOW. IT IS MY UNDERSTANDING THAT WE'RE TALKING ABOUT RIGHT NOW IS THE ELECTION OF POLITICAL SUBDIVISIONS AND HOW THE POLITICAL SUBDIVISIONS OF NEBRASKA OPERATE. [LB649]

SENATOR CHAMBERS: SO THIS DEALS ONLY WITH POLITICAL SUBDIVISIONS AND NOT THE JUDICIARY AT ALL. [LB649]

SENATOR MURANTE: THAT IS MY UNDERSTANDING. BUT AGAIN, IF I'M INCORRECT ABOUT THAT, I WILL CORRECT THE RECORD. [LB649]

SENATOR CHAMBERS: SENATOR, ARE YOU AWARE THAT A PROPOSITION LIKE THIS WAS PRESENTED TO THE LEGISLATURE WHEN WE WERE ORGANIZING SO THAT THE VOTES WOULD BE A MATTER OF PUBLIC RECORD? [LB649]

SENATOR MURANTE: YES. [LB649]

SENATOR CHAMBERS: AND HOW DID THE LEGISLATURE VOTE ON THAT ISSUE? [LB649]

SENATOR MURANTE: THE LEGISLATURE DID NOT SUPPORT THAT ISSUE. [LB649]

SENATOR CHAMBERS: THANK YOU. MEMBERS, DO YOU SEE WHAT JACKASSES WE'LL LOOK LIKE? WE VOTED AGAINST DOING IT HERE. THEN A COMMITTEE IS GOING TO BRING A BILL OUT HERE AND TELL US WE'RE GOING TO DO IT TO

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EVERYBODY ELSE AND WE OFFICIALLY VOTED NOT TO DO IT TO US. THEY ARE TRYING TO TAKE THEIR REVENGE NOW BY MAKING EVERYBODY IN HERE LOOK LIKE A FOOL IF THEY HAVE AT LEAST THE ORDINARY INTELLIGENCE THAT I THINK THEY HAVE. BUT IF THEY REALLY BELIEVE WHAT THEY'RE DOING, THEN BILLY JOEL, HIS SONG, I MAY...YOU MIGHT BE RIGHT, I MIGHT BE CRAZY, BUT IT MIGHT JUST BE A LUNATIC YOU'RE LOOKING FOR, TURN OUT THE LIGHT, DON'T TRY TO SAVE ME, YOU MAY BE RIGHT, YOU MAY BE WRONG, BUT FOR ALL I KNOW YOU MAY BE RIGHT. HOW MANY OF YOU WANT TO ENGAGE IN A LENGTHY DEBATE ON SOMETHING WHICH IS NONSENSICAL? IT MAKES NO SENSE AT ALL. OTHER THAN THE PEOPLE WHO BROUGHT THE BONE-HEADED IDEA TO THE LEGISLATURE IN THE FIRST PLACE AT THE BEHEST OF THE REPUBLICAN PARTY, I DON'T SEE HOW ANYBODY ON THIS FLOOR COULD TAKE THIS SERIOUSLY. I KNOW HOW IT GOT OUT OF THAT COMMITTEE BECAUSE I'VE SEEN OTHER THINGS THAT COME OUT AND I LOOK AT THE MAKEUP OF THE COMMITTEE. WE NEED SOMEBODY ON THIS FLOOR, SUCH AS MYSELF, WHO WILL BE VERY FRANK. NOW I STOOD UP HERE--AND I STOOD, LITERALLY--AND LISTENED TO ALL KINDS OF THINGS SAID AGAINST ME AND ABOUT ME. AND NOW I'M GETTING DIFFERENT KIND OF PHONE CALLS ABOUT HOW COURAGEOUS I WAS AND FORWARD LOOKING IN VIEW OF THE FACT THAT THEY GOT A VIDEO OF A COP SHOOTING A MAN IN THE BACK. BUT YOU WERE LED DOWN A PRIMROSE PATH BY SOMEBODY WHO HAD A BEE IN HIS BONNET BECAUSE OF SOMETHING I SAID. SO IF THAT'S THE WAY THE LEGISLATURE IS GOING TO CONDUCT ITS BUSINESS, I DON'T CARE. BUT I'M TRYING TO ALERT YOU TO HOW PREPOSTEROUS THIS WILL BE FOR YOU TO SAY THAT IT WON'T WORK FOR THE LEGISLATURE, WHICH IS THE FLAGSHIP OF GOVERNMENTAL ENTITIES--WE'RE AT THE TOP, WE HAVE PARAMOUNTCY--AND WE SAY IT DOESN'T WORK FOR US, BUT WE'RE GOING TO MAKE YOU DO THIS. AND WHY? I READ WHERE ONE PERSON, I THINK SENATOR McCOY, HAD SAID IN THE NEWSPAPER, OH, YOU'RE FOR TRANSPARENCY IN EVERYTHING ELSE EXCEPT YOURSELF. BUT HE AND THESE POLITICIANS WHO GET HUGE CHUNKS OF MONEY, AND YOU KNOW THE HAND THAT FEEDS CONTROLS, AND THEY DON'T WANT TO REVEAL THE IDENTITY OF THE PEOPLE WHO ARE GIVING ALL THAT MONEY THAT ELECTS THEM. THEY DON'T WANT THE PUBLIC TO KNOW WHO THOSE INDIVIDUALS ARE. THEN THEY'RE GOING TO GO DOWN HERE AND PICK ON THESE LITTLE PEOPLE. AND I DON'T KNOW WHAT POINT THEY'RE TRYING TO MAKE. BUT I'M OFFERING A MOTION THAT CAN RESCUE US FROM THE NECESSITY OF WASTING TIME. I SHOULD HAVE OFFERED IT AS UNANIMOUS CONSENT BUT I DIDN'T WANT THAT. I WANT TO GIVE PEOPLE A CHANCE TO TALK ABOUT IT AND THEY CAN EXPLAIN FOR US WHY THE LEGISLATURE OUGHT TO PUT ITSELF IN THIS PREPOSTEROUS SITUATION. I READ THE COMMITTEE STATEMENT, SUCH AS IT IS, AND THERE

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WERE THREE PEOPLE WHO VOTED AGAINST THIS. AND I'M GLAD. BUT IT WAS SUCH AN OBVIOUS VOTE THAT OUGHT TO BE GIVEN THAT I'M NOT GOING TO ACCORD THEM THE LABEL "COURAGEOUS" BUT VERY SENSIBLE, A MATURE VOTE THAT WAS NOT GOING TO LET THE LEGISLATURE ITSELF BECOME THE SUBJECT OF RIDICULE AND SCORN, WHICH IT JUSTIFIABLY WOULD BE. AND IF YOU ALL VOTE FOR THIS, I WILL LEAD THE WAY AND THERE WILL NOT BE ANOTHER DAY IN THIS LEGISLATURE WHERE I WON'T MAKE REFERENCE TO IT. AND I WILL GET SOME KIND OF SLOGAN SO I DON'T HAVE TO SAY ALL OF THE WORDS. AND WHEN EVER I SAY WHATEVER THAT SLOGAN WILL BE, YOU'LL KNOW WHAT I'M REFERRING TO. THIS BILL WILL REPRESENT THE LEADERSHIP OF THIS LEGISLATURE IF YOU FOLLOW IT. PERSONALLY, I DON'T CARE WHAT YOU DO WITH IT. BUT AS LONG AS THE LONGEST-SERVING MEMBER OF THE LEGISLATURE, REFERRED TO IN SOME QUARTERS IN A SITUATION LIKE THIS AS THE "DEAN," I HAVE AN OBLIGATION TO RESCUE THIS INSTITUTION FROM SOMETHING WHICH IS SO OBVIOUSLY--SO OBVIOUSLY--IRRATIONAL, BASED ON WHAT THE LEGISLATURE ITSELF DID, THAT IT OUGHT NOT BE GIVEN SERIOUS CONSIDERATION. AND WHAT I KNOW IS THAT SOME PEOPLE WERE COUNTING ON ME TO DO THIS ALONE AND, IF I MUST, I WILL. AND I WILL NOT MIND TAKING THE TIME TO DO IT. MAYBE THEY CAN GET 25 VOTES, BUT I DOUBT IF THEY CAN GET 33. [LB649]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB649]

SENATOR CHAMBERS: BUT IT'LL BE VERY INTERESTING TO SEE THIS PLAY OUT. AND I WANT YOU ALL TO LISTEN VERY CAREFULLY TO THOSE WHO ARE GOING TO EXPLAIN WHY THE LEGISLATURE OUGHT TO DO THIS, WHAT IS THE COMPELLING GOVERNMENTAL OR PUBLIC INTEREST IN DOING SOMETHING LIKE THIS AT THIS TIME IN THIS PLACE. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE NEXT IN THE QUEUE. [LB649]

SENATOR CHAMBERS: I'M ACTUALLY ENJOYING MYSELF THIS MORNING. FOR ME, THIS IS A WIN-WIN SITUATION. I'M "MR. OUTSIDE" WHEN IT COMES TO THE LEGISLATURE. SO IF YOU PASS IT, YOU KNOW WHAT YOU LOOK LIKE; AND IF YOU DON'T PASS IT, THAT MAKES...THAT GIVES YOU A PLUS. BUT THE FACT THAT SOMETHING LIKE THIS WAS PRESENTED TO THE LEGISLATURE BY A COMMITTEE LETS YOU KNOW WHAT HARD DAYS THIS BODY HAS FALLEN UPON. I'VE TOLD YOU ALL, YOU CAN SAY ANYTHING WITH REFERENCE TO ME THAT YOU WANT TO, YOU KNOW, SHORT OF RACIAL SLURS. YOU CAN EVEN USE PROFANITY,

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BECAUSE THAT SAYS MORE ABOUT YOU THAN ANYTHING AND ANYBODY ELSE. OTHER THAN THAT, SAY WHATEVER YOU WANT TO. AND I'M WILLING TO LET THE RECORD SPEAK FOR ME. AND THE SPEAKER ON OCCASION WILL PRESENT TO US WHAT HIS AGENDA WILL BE IN GENERAL FOR THE REST OF THE SESSION. WELL, I'M GOING TO BE TALKING ABOUT POLICE MISCONDUCT AND DOCUMENTING IT IN THIS STATE, IN THE CITY OF OMAHA, WHAT THE STATE PATROL HAS DONE IN RECRUITING, RECRUITING ACTIVELY A COP WHO WAS TOTALLY DISCREDITED WHILE ON THE LINCOLN POLICE DEPARTMENT FOR HAVING BEEN CAUGHT ON VIDEO EMPLOYING EXCESSIVE FORCE AGAINST A HANDCUFFED INDIVIDUAL. NOW HE COULDN'T SAY THAT HE WAS IN FEAR FOR HIS LIFE. AND THE COVER-UP IN SOUTH CAROLINA WAS STARTING IMMEDIATELY BECAUSE THEY DIDN'T KNOW THERE WAS A VIDEO. AND AS THE VIDEO PLAYED AND THEY PUT WHAT WAS GOING ON IN THE VIDEO NEXT TO WHAT THE COPS HAD SAID, THEN YOU SEE WHAT LIARS THEY ARE. AND WHEREVER THESE THINGS OCCUR IN EVERY CITY, THE SAME STATEMENT IS MADE. AND THEY HAVE WHAT THEY CALL "THROWDOWNS" WHERE THEY PLACE A WEAPON OF SOME KIND BY THE VICTIM. SO YOU ALL DON'T WANT TO HEAR THAT, BUT I'M GOING TO TALK ABOUT IT. BUT TODAY, THERE ARE OTHER FISH TO FRY. AND I'M GOING TO LISTEN TO MY COLLEAGUES DEFEND THIS BILL, AND I'M GOING TO WATCH AND SEE HOW MANY OF MY COLLEAGUES VOTE FOR IT. I THINK IT'S CLEAR THAT I AM OPPOSED TO IT. BUT I SPEAK ONLY FOR MYSELF. NOW I'M GOING TO ENJOY THE FESTIVITIES AS THEY UNFOLD. I WANT THIS KEPT IN MIND: THE HAND THAT FEEDS CONTROLS. IF I'M RUNNING FOR AN OFFICE, THE PUBLIC IS ENTITLED TO KNOW THE IDENTITY OF THE PEOPLE WHO GIVE MONEY TO ME SO THEY'LL KNOW TO WHOM I AM BEHOLDEN. AND WHEN I WANT TO KEEP THOSE THINGS SECRET, I LOOK LIKE THE WORST OF HYPOCRITES IF I'M GOING TO SAY THAT EVERYBODY ELSE OUGHT TO BE TRANSPARENT, BECAUSE THE PUBLIC IS ENTITLED TO KNOW HOW THOSE WHO ARE CONDUCTING THEIR BUSINESS ARE VOTING WHEN TIME COMES TO VOTE FOR ONE OF THESE POSITIONS. I THINK IT'S MORE IMPORTANT THAT THE PUBLIC KNOWS WHO IS BANKROLLING CAMPAIGNS,... [LB649]

SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR CHAMBERS: ...POLITICAL CAMPAIGNS. YOU WOULD NEVER SEE ME IF I'M GOING TO HIDE ESSENTIAL THINGS, SAY THAT EVERYBODY ELSE OUGHT TO COME CLEAN. I THINK EVERYBODY ON THIS FLOOR KNOWS WHAT THIS BILL IS ABOUT. AND I HAD NO IDEA WHEN I SAW IT HAD BEEN INTRODUCED THAT A COMMITTEE WOULD SEND IT TO THE FLOOR, BUT MAYBE IT'S GOOD THAT THEY DID. THIS IS ONE I'M NOT GOING TO COMPLAIN TO THE REPUBLICAN PARTY

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BECAUSE THEY'RE NOT THIS DUMB, I DON'T THINK. BUT WE'LL FIND OUT AS THE DISCUSSION PROGRESSES. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: MR. CLERK. [LB649]

CLERK: MR. PRESIDENT, VERY QUICKLY, BANKING COMMITTEE WILL MEET IN EXEC SESSION AT 11:00 IN ROOM 2022; BANKING, 11:00, 2022. [LB649]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB649]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I DO SUPPORT LB649, SENATOR KINTNER'S BILL. IT DID COME THROUGH THE GOVERNMENT AND MILITARY AFFAIRS COMMITTEE, OF WHICH I'M A MEMBER. I VOTED IT OUT. AND I VOTED AND HAD A LARGE HAND IN PUTTING TOGETHER THE COMMITTEE AMENDMENT THAT YOU SEE IN FRONT OF YOU, WHICH IS AM821. AND THEN I PRIORITIZED THE BILL. LET ME GIVE YOU A FEW REASONS WHY. A NUMBER OF YOU KNOW, I THINK THIS WILL BE THE THIRD, I BELIEVE, TRANSPARENCY MEASURE THAT I HAVE PRIORITIZED IN MY TIME IN THE LEGISLATURE IN NOW MY SEVEN YEARS IN THE LEGISLATURE. I THINK THAT'S A BIG HALLMARK OF OUR PROCESS IN NEBRASKA, TRANSPARENCY IN CAMPAIGNS, AS SENATOR CHAMBERS HAS REFERENCED, WHICH WE HAVE IN NEBRASKA; TRANSPARENCY IN THE LEGISLATURE; TRANSPARENCY IN ANY POLITICAL SUBDIVISION. I THINK IT'S A HALLMARK OF GOOD GOVERNMENT IN NEBRASKA. AND IT'S OFTEN BEEN SAID AND BEEN ATTRIBUTED TO A NUMBER OF INDIVIDUALS, I DON'T KNOW WHO EXACTLY WAS THE FIRST PERSON TO SAY IT, THAT TRANSPARENT...WELL, SUNSHINE, THE SUNSHINE OF TRANSPARENCY IS A GREAT DISINFECTANT FOR GOVERNMENT. AND I THINK THAT'S TRUE. WHAT YOU SEE BEFORE YOU WITH AM821 IS QUITE A BIT DIFFERENT FROM WHAT WAS ORIGINALLY INTRODUCED AS THE GREEN COPY OF THE BILL. AND THEN SENATOR KINTNER ACTUALLY HAD ANOTHER BILL, I THINK IT WAS LB648 (SIC), AS I RECALL, THAT ALSO HAD A SIMILAR COMPONENT TO IT. THE AMENDMENT THAT YOU SEE BEFORE YOU IS VERY DIFFERENT FROM THAT. LET ME SHARE WITH YOU, MAY TAKE MORE THAN ONE TIME ON THE MICROPHONE, I DON'T KNOW, WHY I THINK THIS IS VERY DIFFERENT AND STILL PRESERVES MANY OF THE THINGS THAT WE HOLD DEAR, NOT JUST IN THE LEGISLATURE. AND SENATOR CHAMBERS MAY BE CORRECT IN THAT THE STATE MAY VIEW THE LEGISLATURE AS THE FLAGSHIP POLITICAL SUBDIVISION, IF YOU WILL, DELIBERATIVE BODY. BUT IN REALITY, PROBABLY THE ONE THAT MOST PEOPLE CONNECT WITH, THAT RESONATES WITH THEM THE MOST, IS THEIR LOCAL SCHOOL BOARD. IT'S OFTENTIMES THE ONE THEY

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PROBABLY ACTUALLY GO AND ATTEND THE MEETINGS THE MOST. A NUMBER OF US HERE IN THE BODY, NOT MYSELF BUT A NUMBER OF THE MEMBERS OF THE BODY, HAVE BEEN MEMBERS OF THE LOCAL SCHOOL BOARD, SOME OF YOU FOR A GREAT MANY YEARS. MANY MEMBERS OF THE LEGISLATURE HAVE. AND TRANSPARENCY IN THE WAY SCHOOL BOARDS OPERATE IS OFTENTIMES A BIG ISSUE THAT OUR LOCAL SCHOOL BOARDS IN NEBRASKA DEAL WITH. WHAT YOU SEE BEFORE YOU IN AM821 WAS AN ATTEMPT, I HOPE A GOOD ONE, LEGISLATURE MAY SEE FIT TO JUDGE IT OTHERWISE, BUT WHAT I BELIEVE IS THE BEST POSSIBLE ATTEMPT THAT WE COULD COME UP WITH TO PRESERVE WHAT WE HOLD DEAR, NOT JUST IN THE LEGISLATURE BUT IN ANY VOTING DELIBERATIVE BODY, POLITICAL SUBDIVISION IN NEBRASKA, WHILE STILL ACHIEVING TRANSPARENCY SO VOTERS KNOW WHAT'S GOING ON. AND THAT IS THAT YOU COULD STILL HOLD ELECTIONS IN SECRECY, WITH SECRET BALLOT. IT JUST GETS REPORTED, VERY SIMPLY, IN THE MINUTES OR THE JOURNAL OF ANY DELIBERATIVE BODY AFTER THE FACT, WOULD HAVE NO BEARING, SHOULD HAVE NO BEARING ON HOW ANYONE VOTES. WE'RE NOT TALKING ABOUT A BOARD VOTE IN THE LEGISLATURE BECAUSE, BY THE WAY, IF YOU REALLY STOP TO THINK ABOUT THAT, SOMETIMES--ALTHOUGH I DON'T THINK IT'S ACTUALLY HAPPENED ALL THE WAY UP TO THE FIRST DAY OF SESSION--THE VOTING, THERE HAVE BEEN TIMES IN THE PAST, AS LONGTIME MEMBERS OF THE LEGISLATURE KNOW OR OUR PERIPHERAL STAFF TO THE LEGISLATURE. WHEN WE'VE HAD THREE INDIVIDUALS RUNNING FOR A CHAIRMANSHIP OR FOR SPEAKER OF THE LEGISLATURE. WELL, JUST AS A MATTER OF PRACTICALITY, HOW WOULD YOU GO ABOUT CONDUCTING A BOARD VOTE... [LB649]

SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR McCOY: THANK YOU, MR. PRESIDENT...A BOARD VOTE WITH THREE INDIVIDUALS? IT JUST WOULDN'T WORK. SO JUST AS A MATTER OF PRACTICE, THAT COULDN'T HAPPEN. SO THIS, TO ME AND TO US, ALTHOUGH, AGAIN, AS YOU KNOW IF YOU LOOK AT THE COMMITTEE STATEMENT, NOT ALL MEMBERS OF THE COMMITTEE AGREED WITH THIS LEGISLATION. AND THAT'S FINE. BUT AS THE MAJORITY OF THE COMMITTEE SAW FIT--AND I CERTAINLY DO, AND I THINK OTHERS DO, AS WELL--THAT THIS IS A WAY TO PRESERVE WHAT WE DO, THE TRADITIONS OF THE LEGISLATURE, JUST AFTER THE FACT IN THE JOURNAL. AS WE REPORT ANYTHING ELSE THAT TAKES PLACE IN THE LEGISLATURE, IT'S REPORTED, OR IN THE MINUTES OF A SCHOOL BOARD, IN THE MINUTES OF ANY POLITICAL SUBDIVISION, PRETTY SIMPLE, SHOULDN'T AFFECT ANYTHING. I DON'T KNOW WHAT WE WOULD BE HIDING BEHIND. SECRECY? I DON'T THINK THAT'S A REAL GOOD RATIONALE. I DON'T... [LB649]

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SPEAKER HADLEY: TIME, SENATOR. THOSE IN THE QUEUE ARE SENATORS BRASCH, BLOOMFIELD, HANSEN, MURANTE, AND OTHERS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB649]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES, FOR YOUR ATTENTION TO THIS BECAUSE IT IS NOT THE FIRST TIME THIS HAS BEEN BROUGHT BEFORE YOU. AGAIN, WE ARE ELECTED PUBLIC OFFICIALS. THIS BILL WOULD REQUIRE ALL VOTES TAKEN BY PUBLIC OFFICIALS TO BE A PUBLIC RECORD. I DON'T UNDERSTAND WHY THAT'S UNREASONABLE. I PULL UP PUBLIC. THE DEFINITION IS: OF OUR (SIC) CONCERNING THE PEOPLE AS A WHOLE, "PUBLIC CONCERN." NUMBER TWO: DONE, PERCEIVED, OR EXISTING IN OPEN VIEW--IN OPEN VIEW. AS A NOUN, IT IS DEFINED AS ORDINARY PEOPLE IN GENERAL AND THE COMMUNITY. WE, EACH OF US, WERE PUT HERE BY EITHER 36,000-PLUS INDIVIDUALS, THE GOVERNOR BY 1.8 MILLION PEOPLE THAT HE REPRESENTS OR SHE REPRESENTS. WE ARE A UNICAMERAL. WE ADOPTED BEING A UNICAMERAL BECAUSE IT WAS STREAMLINED. IT WAS MORE OPEN. WE ARE ON CAMERA TODAY. WE ARE ON MIKE. WE ARE ON TRANSCRIPT. WHY DO WE NEED TO CLOSE THE DOOR TO OUR DECISIONS? INDIVIDUALS ASK US TO REPRESENT THEM AND I BELIEVE THAT IT IS A PART OF ACCOUNTABILITY. THAT'S WHAT TRANSPARENCY IS: WHO, WHAT, WHEN, WHERE, AND WHY. IT ALL ADDS UP TO BEING ACCOUNTABLE, VERY SIMPLE. WE'RE ASKED TO MAKE VERY DIFFICULT DECISIONS. NOT EVERYONE AGREES WITH THOSE DECISIONS. WE ARE ALL UNIQUE AND INDIVIDUAL. HOWEVER, ANY PUBLIC OFFICIAL, WHETHER THEY REPRESENT 1.8 MILLION PEOPLE OR A COMMUNITY, A TOWNSHIP, A SCHOOL BOARD, INDIVIDUALS, WHEN THEY PUT YOU IN THEIR TRUST ON THEIR BEHALF, THOSE ISSUES BELONG TO THEM. AND WE ARE IN THEIR TRUST MOVING FORWARD. IT WAS INTERESTING TO ME AFTER I WAS ELECTED AND AT THAT POINT I WAS VICE CHAIR OF THE RULES COMMITTEE. AND THERE IS A TUG-OF-WAR BETWEEN THOSE WHO WOULD RATHER KEEP COMMITTEE VOTES SECRET AND THOSE WHO ARE NOT, KEEPING IT SIMPLE. AND THEN THERE IS NO SUSPICION, BEWILDERMENT, WONDERING HOW THINGS HAPPEN. AND THAT IS BEING ACCOUNTABLE. I DO WANT TO ASK YOUR SUPPORT, NOT IN THE BRACKET, BUT IN THE AMENDMENT AND LB649. I WANT TO THANK SENATOR KINTNER FOR INTRODUCING THIS AND I YIELD THE REST OF MY TIME TO SENATOR McCOY. [LB649]

SPEAKER HADLEY: SENATOR McCOY, WILL YOU YIELD TO A QUESTION? OH, OF TIME? I'M SORRY, 1:50. [LB649]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR BRASCH, FOR THE COURTESY OF THE TIME. I'LL FINISH WITH WHAT MY THOUGHT WAS. AND THEN I UNDERSTAND THERE'S A NUMBER OF OTHERS IN THE QUEUE THAT PROBABLY HAVE THEIR OPINIONS, WOULD LIKE TO LET THEIR OPINIONS BE HEARD ON THIS ISSUE. BUT, AGAIN, I SEE THIS AS A PRETTY SIMPLE ISSUE. IT DOESN'T MATTER WHETHER IT APPLIES TO US HERE IN THE LEGISLATURE OR TO ANY POLITICAL SUBDIVISION, THE SCHOOL BOARD ON UP AND ALL THE DIFFERENT POLITICAL SUBDIVISIONS THAT WE HAVE. WHETHER IT'S A LEADERSHIP VOTE OR ANYTHING ELSE LIKE THAT, I THINK THE PEOPLE OF NEBRASKA OUGHT TO KNOW HOW WE VOTED. AND, AGAIN, AS THIS AMENDMENT, IF YOU TAKE TIME TO READ IT, IS VERY DIFFERENT FROM THE GREEN COPY OF THE BILL, IT'S VERY DIFFERENT FROM WHAT WAS DISCUSSED,... [LB649]

SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR McCOY: THANK YOU, MR. PRESIDENT...FROM WHAT WAS DISCUSSED BY THE LEGISLATURE THROUGH THE RULES PROCESS EARLIER THIS SESSION. SO I UNDERSTAND THE COMPARISON THAT SENATOR CHAMBERS IS TRYING TO MAKE TO THE LEGISLATURE DISCUSSING THIS ISSUE AT THE BEGINNING OF THE SESSION. BUT THE REALITY IS, MEMBERS, IS THAT WHAT YOU SEE BEFORE YOU IS VERY DIFFERENT FROM WHAT THE LEGISLATURE DISCUSSED AT THE BEGINNING OF THE SESSION DURING THE ADOPTION OF THE RULES AND THEN THE SUBSEQUENT RULE...PROPOSED RULES CHANGED. SO VERY DIFFERENTLY CONSTRUCTED, THEREFORE, IN MY OPINION, WORTHY OF DISCUSSION. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB649]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. SENATOR McCOY IS CORRECT WHEN HE SAID THIS IS SOMETHING DIFFERENT THAN WHAT WE FIRST TALKED ABOUT, BUT THE GOAL IS THE SAME. COLLEAGUES, THIS IDEA CAME BEFORE THE RULES COMMITTEE, WHICH I HAPPEN TO BE VICE CHAIR OF. IT DID NOT SUCCEED IN THE RULES COMMITTEE. IT CAME FORWARD ON THE FLOOR IN A PROCEDURAL MANEUVER. I THINK IT DREW A TOTAL OF 12 VOTES, IF MY MIND IS...IF MY MEMORY IS CORRECT. IT DID NOT SUCCEED ON THE FLOOR. I OPPOSED THIS IN COMMITTEE. I CONTINUE TO OPPOSE IT. THE AMENDMENT MAKES IT SOME BETTER; IT DOESN'T CURE THE ISSUE. COLLEAGUES, OF THE THREE THAT OPPOSED IT COMING OUT OF

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COMMITTEE, I, AS VICE CHAIR OF THE RULES COMMITTEE, SENATOR GARRETT, AS CHAIRMAN OF THE RULES COMMITTEE, BOTH OPPOSED IT, AS DID SENATOR HANSEN. I HAVE TALKED TO CONSTITUENTS AT HOME ABOUT THIS NOTION THAT WE NEED TO OPEN THIS UP. AND THEIR RESPONSE TO ME HAS BEEN NEARLY UNANIMOUS: WE DON'T KNOW ANY OF THOSE PEOPLE, YOU'RE DOWN THERE TO REPRESENT US, REPRESENT US THE WAY YOU THINK BEST. YOU HAVE GOTTEN TO KNOW THESE PEOPLE, VOTE FOR WHO YOU THINK. WE DON'T CARE WHO YOU VOTE FOR, WE DON'T HAVE TO DEAL WITH THEM, YOU DO. COLLEAGUES, CERTAINLY IN MY DISTRICT, THIS IS NOT AN IMPORTANT ISSUE. SENATOR KINTNER SEEMS TO FEEL IT'S VERY IMPORTANT AND I ENDORSE HIS RIGHT TO BRING IT BACK AGAIN. AND I BELIEVE SENATOR McCOY IS RIGHT, IT DOES DESERVE BEING TALKED ABOUT. I HAVE NO PROBLEM WITH THAT. I AM HOPEFUL IT'LL GO NO FURTHER THAN IT DID THE LAST TIME WE TALKED ABOUT IT. BUT IT WOULD SPEAK POORLY OF ME TO DENY THAT SOMETHING OUGHT TO BE TRIED AND TRIED AGAIN BECAUSE I HAVE EVERY INTENTION OF BRINGING BACK THE HELMET REPEAL. SENATOR CAMPBELL HAS BROUGHT BACK, REPEATEDLY, MEDICAID EXPANSION. THAT'S WHAT WE DO WHEN WE HAVE SOMETHING WE BELIEVE IN. MR. PRESIDENT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS IF HE COULD USE IT. [LB649]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 2:12. [LB649]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR MURANTE A QUESTION. [LB649]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD? [LB649]

SENATOR MURANTE: I'M THINKING ABOUT IT. [LB649]

SENATOR CHAMBERS: TAKE YOUR TIME. [LB649]

SENATOR MURANTE: SURE. WHY NOT? [LB649]

SENATOR CHAMBERS: SENATOR MURANTE, THIS WOULD APPLY TO THE LEGISLATURE, WOULDN'T IT? [LB649]

SENATOR MURANTE: I BELIEVE SO. [LB649]

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SENATOR CHAMBERS: SO...THAT'S ALL, THANK YOU. JUST SO THE MEMBERS KNOW, THAT WHAT YOU HAD ACTED ON IS TO BE ERASED BY PUTTING SOMETHING IN STATUTE, BUT ONE LEGISLATURE CANNOT BIND ANOTHER ONE. AND THE CONSTITUTION MAKES THE LEGISLATURE...PUTS THE LEGISLATURE IN CHARGE OF SETTING ITS OWN RULES FOR ITS PROCEEDINGS. SO, IN DISREGARD OF A STATUTE, THE CONSTITUTION WOULD PREVAIL. BUT LAY ALL OF THAT ASIDE. I STILL MEAN EVERYTHING THAT I SAID. I LOOK AT THE GENESIS OR ORIGIN OF AN IDEA AND THE GENESIS OR ORIGIN OF THIS WAS BECAUSE FOR SOME REASON... [LB649]

SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR CHAMBERS: ...SOMEBODY ON THAT COMMITTEE WAS UPSET WITH SCHOOL BOARDS. AND THAT WAS WHAT WAS DISCUSSED AT THE MEETING, AT THE HEARING. I WASN'T THERE, BUT I READ THE NEWSPAPER. AND SENATOR McCOY HAD SAID TO THESE PEOPLE, YOU'RE FOR TRANSPARENCY EVERYWHERE ELSE EXCEPT WHEN IT COMES TO THIS. SO IN THE SAME WAY THAT MY COLLEAGUE SENATOR HARR WANTED US TO THINK THAT THAT BILL ABOUT WOODMEN OF THE WORLD WAS NOT REALLY ABOUT WOODMEN OF THE WORLD BUT EVERYBODY ELSE, THEY WANT US TO THINK NOW THAT THERE WAS A DIFFERENT MOTIVATION BEHIND THIS WHEN THEY STARTED IT. BUT HOWEVER THEY WRAP IT, HOWEVER THEY LABEL IT, IT IS UNWISE AND THE LEGISLATURE SHOULD NOT DO IT. IT IS AN UNWORTHY PROPOSITION, THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR HANSEN, YOU ARE RECOGNIZED. [LB649]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AS SENATOR BLOOMFIELD NOTED, I SERVE ON THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE AND WAS ONE OF THE THREE "NO" VOTES OF THIS COMING OUT OF COMMITTEE. I RISE IN CONTINUED OPPOSITION TO LB649 AND, BECAUSE OF THAT, I DO SUPPORT THE BRACKET MOTION. WE'VE BEEN KIND OF TALKING BACK AND FORTH ABOUT THE ORIGINAL LANGUAGE AND THE AMENDMENT A LITTLE BIT. AND I WANTED TO ADDRESS A KEY POINT ON THAT, AS WELL. THE ORIGINAL LANGUAGE WAS TALKING ABOUT ALL PUBLIC VOTES TAKEN IN THE COURSE OF A PUBLIC OFFICIAL SHALL BE PART OF THE PUBLIC RECORD. I WAS SOME QUESTIONING IN MIND, BOTH IN THE...DURING COMMITTEE OF WHETHER OR NOT THAT WOULD ACTUALLY CHANGE ANYTHING. IF WE PASS THE BILL, WE

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PASSED THE GREEN COPY OF THIS BILL, IT APPLIES TO THE LEGISLATURE. HOW DOES THAT IMPACT US, BECAUSE I LOOK AT OUR JOURNAL AND I SEE WE'RE TALKING ABOUT LEADERSHIP ELECTIONS? I LOOK AT... YOU KNOW, I IMAGINE IT'S PAGE 10 OF THE JOURNAL AND I'LL SEE TALLY MARKS FOR SPEAKER, I'LL SEE TALLY MARKS FOR AGRICULTURE COMMITTEE, I'LL SEE TALLY MARKS FOR NEBRASKA RETIREMENT SYSTEMS COMMITTEE. AND, YOU KNOW, UNDER MY INTERPRETATION THAT WE HAVE A PUBLIC RECORD THAT A VOTE WAS TAKEN AND THE RESULTS AND WHAT HAPPENED IS PART OF OUR JOURNAL, IS PART OF OUR PUBLIC RECORD. WELL, IF THE INTERPRETATION OF THE LAW IS THEN, NO, THAT WOULDN'T BE SUFFICIENT, WE MUST HAVE A ROLL CALL VOTE OR A RECORDED VOTE OR SOME OTHER VOTE IN WHICH YOU COULD TELL WHICH WAY EVERYONE VOTED. YOU COULD TELL WHICH COMMITTEE CHAIRS I VOTED FOR. WELL, IF THAT'S THE INTERPRETATION OF THAT LAW, THEN THAT EFFECTIVELY, IN MY OPINION, WOULD GET RID OF VOICE VOTES AND UNANIMOUS CONSENT AND THINGS OF THAT LIKE BECAUSE, YOU KNOW, AGAIN, IN OUR JOURNAL YESTERDAY SOMEONE MOVED TO ADJOURN, SOMEONE MOVED TO RECESS. AND MANY DAYS WE'LL MOVE TO ADJOURN, AS WE ALL KNOW, THERE'S OFTEN A SINGLE NAY VOTE. WELL, IF IT'S REQUIRED TO BE A VOTE OF PUBLIC RECORD, THAT WOULD...MY INTERPRETATION, IF IT WOULD REQUIRE US TO HAVE A ROLL CALL VOTE FOR LEADERSHIP POSITIONS, WELL, IT HAPPENS TO REQUIRE US TO HAVE A ROLL CALL VOTE TO ADJOURN. SO THAT WAS AN IMPORTANT THING I THINK AS A DISTINCTION, AS WELL, AMONG THE AMENDMENT IS THAT IT NARROWED IT TO LEADERSHIP POSITIONS. THAT BEING SAID, I STILL...SEEING THE UNDERLYING INTENT, NO MATTER WHAT FORM IT COMES, I STILL DISAGREE WITH IT, I STILL OPPOSE IT. BUT I DON'T THINK THAT DISTINCTION HAD BEEN MADE ON THE FLOOR YET, SO I WANTED TO GET THAT IN THERE FOR THE RECORD. THAT BEING SAID, AS HAS BEEN ACTUALLY SAID MULTIPLE TIMES ALREADY AND I'M SURE WILL GET SAID A FEW MORE TIMES, YOU KNOW, THIS IS AN ISSUE WE AS A BODY HAVE ALREADY DEALT WITH THIS YEAR. THIS IS AN ISSUE WE HAVE DECIDED OVERWHELMINGLY IN JANUARY THAT WE DIDN'T WANT TO APPLY TO US. SO I HOPE PEOPLE WILL JOIN ME IN VOTING FOR THE BRACKET MOTION. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS SCHILZ, GROENE, SCHUMACHER, McCOY, AND OTHERS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB649]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND MEMBERS OF THE BODY, GOOD MORNING. AND YOU KNOW, THIS IS ONE OF THOSE ISSUES...AND AS I WAS SITTING AND LISTENING TO OTHERS SPEAK TODAY, YOU KNOW, WE DO HAVE A

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PROCESS HERE. SENATOR KINTNER HAS EVERY RIGHT TO PUT IN WHATEVER BILL HE FEELS, AS WE ALL DO. THE COMMITTEE THAT IT'S GIVEN TO, TO REVIEW AND HAVE THE HEARING ON, DID THAT. I BELIEVE THEY VOTED IT OUT OF COMMITTEE WITH...OBVIOUSLY, I THINK WAS, WHAT, THREE DISSENTERS? BUT THAT MEANS IT COMES TO THE FLOOR AND WE GET TO TALK ABOUT IT. AND WE CAN TAKE AS LONG OR AS SHORT AS WE WANT TO GET THE POINT ACROSS ON BOTH SIDES TO UNDERSTAND WHERE WE WANT TO BE. BUT I DO THINK, IF NOTHING ELSE, WE HAVE AN OPPORTUNITY FOR DISCUSSION ABOUT WHAT WE DO MEAN BY TRANSPARENCY, BECAUSE IT'S THROWN AROUND QUITE A BIT, MOSTLY WHEN IT SERVES THE PERSON THROWING IT AROUND OR THE INTEREST THROWING IT AROUND BUT TRUE. AND BOTH SIDES HAVE DONE IT. WE KNOW THAT. SO WHAT DOES TRANSPARENCY MEAN? AND WHAT...WHERE DO WE WANT TO SEE IT APPLIED? SENATOR HANSEN MAY HAVE BROUGHT UP SOME INTERESTING AND GOOD POINTS. BUT, YOU KNOW, WE'VE DONE IT BEFORE WHERE WE'VE ASKED FOR A BOARD VOTE FOR ADJOURNMENT AND ALL THAT KIND OF STUFF. SO IT WOULDN'T BE IMPOSSIBLE. SO I THINK THE DISCUSSION IS GOOD. I DON'T REALLY THINK IT'S A WASTE OF TIME, ESPECIALLY FOR THE FOLKS, INCLUDING MYSELF, THAT HAVE BEEN HERE AND NOT HAD AS MUCH EXPERIENCE AS OTHERS IN WHAT WE'RE DEALING WITH HERE. AND TIMES CHANGE TOO. WHAT IS TRANSPARENCY TODAY? SOCIAL MEDIA? E-MAILS? TECHNOLOGY THAT GIVES US THE OPPORTUNITY TO HAVE THINGS OUT TO THE PUBLIC ALMOST INSTANTANEOUSLY? WHAT DOES TRANSPARENCY MEAN TODAY? AND HOW SHOULD WE APPLY IT? AND WHO SHOULD BE SUBJECT TO WHATEVER WE CALL THAT? SO I THINK BILLS LIKE THIS ARE IMPORTANT TO UNDERSTAND AND TO SET THOSE LINES. AND MAYBE IF WE'D HAVE MORE OF THESE BILLS, WE WOULDN'T HAVE THIS WORD BEING THROWN AROUND BACK AND FORTH, LEFT AND RIGHT, BECAUSE I DO BELIEVE THAT TRANSPARENCY IS GOOD. I DON'T LIKE TO SEE THE TERM AND THE IDEA ABUSED. BUT WHEN EVER YOU MAKE A STEP LIKE THIS, YOU HAVE TO THINK ABOUT IT AND YOU HAVE TO LOOK AT ALL THE RAMIFICATIONS. AND SO I WELCOME THE DEBATE. I WELCOME THE DISCUSSION. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB649]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. THERE'S NOTHING FOOLISH ABOUT BRINGING THIS BACK OVER AND OVER AND OVER AGAIN. CHAMPION TRANSPARENCY AND POLITICAL ACCOUNTABILITY IN A FREE SOCIETY SHOULD NEVER...THAT BATTLE, THAT CAUSE SHOULD NEVER BE PUT ON THE BACK BURNER. ITS' NOT FOOLISH. IT'S WHAT AMERICA IS ALL ABOUT, TRANSPARENCY AND ACCOUNTABILITY. BY THE WAY, ONCE WE'RE ELECTED...THIS IS BY NATURE

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A NONPARTISAN ISSUE BECAUSE, ONCE WE'RE ELECTED, WE REPRESENT PEOPLE OF ALL POLITICAL VIEWS AND THEY ALL NEED TO KNOW HOW WE VOTE BACK HOME. I RAN ON THIS ISSUE. FOLKS BACK HOME KNOW I'VE BEEN INVOLVED IN BATTLES WITH SCHOOL BOARDS, COUNTY COMMISSIONERS, NRDs ABOUT ACCOUNTABILITY. I DON'T KNOW WHAT IT IS IN THE HUMAN NATURE WHERE WE LIKE TO HIDE, WHERE WE TAKE MEETINGS WHERE THERE ISN'T A QUORUM AND MAKE DECISIONS. WE ALL KNOW THAT HAPPENS, THOSE TYPE OF DEALS. WE NEED TO LEAD IN THIS STATE WITH ACCOUNTABILITY AND TRANSPARENCY. AND I HEARD IT OVER AND OVER AGAIN GOING DOOR-TO-DOOR, THEY WANT PUBLIC VOTES. THEY WANT PUBLIC VOTES. MY PREDECESSOR LOST THE COMMITTEE CHAIR WHERE HE THOUGHT IT WAS...HE HAD IT AND HE LOST IT BECAUSE PEOPLE DIDN'T KEEP THEIR COMMITMENT. THAT'S WHY, IN MY DISTRICT, IT WAS AN ISSUE IN MY ELECTION. AND IT'LL BE AN ISSUE IN THE NEXT SENATOR'S ELECTION WHEN SOMEBODY LOST A COMMITTEE CHAIR WHEN COMMITMENTS WEREN'T MADE...WEREN'T KEPT. IT'S VERY IMPORTANT TO HAVE TRANSPARENCY AND ACCOUNTABILITY. I'VE ALWAYS CHAMPIONED IT, AS I SAID. I JUST DON'T UNDERSTAND WHY THERE'S A...YOU KNOW, AFTER BEING DOWN HERE AND MEETING EVERYBODY, I'VE HAD HEAD-TO-HEADS. SENATOR HARR AND I WENT AGAINST EACH OTHER ON WOODMEN. WE WERE JUST IN THE HALLWAY LAUGHING AND JOKING ABOUT TURKEY HUNTING. THAT'S MATURITY. IF YOU LACK MATURITY AND YOU WANT TO KEEP THINGS SECRET, THAT'S FINE. BUT I WON'T. MY VOTES WILL ALWAYS BE TRANSPARENT. THEY WILL ALWAYS BE TOLD UP FRONT. I'LL GIVE YOU AN EXAMPLE. I MADE A WRONG VOTE HERE ALREADY ON A BILL ON ATVs. I GOT E-MAILS AND PHONE CALLS FROM RANCHERS AND FARMERS AND CITIZENS THAT USE ATVs BECAUSE I DIDN'T TAKE NOTE THAT THEY HAD TO...EVERYBODY HAD TO REGISTER THEIR ATV, NOT...AN ALL-TERRAIN VEHICLE, NOT JUST THE NEW PURCHASES. WELL, THAT'S GOING TO BE FIXED BECAUSE CITIZENS TAKE NOTE BECAUSE THEY KNEW HOW I VOTED AND THEY KNEW IMMEDIATELY HOW I VOTED. AND I WAS HELD ACCOUNTABLE IMMEDIATELY. THAT'S WHY ALL VOTES NEED TO BE TRANSPARENT AND THEY NEED TO BE ACCOUNTABLE. I AM PROUD OF HOW I VOTE, IF THAT'S FOR AN INDIVIDUAL OR IF IT'S FOR AN ISSUE. I DO NOT NEED TO KEEP THAT SECRET. AND EVERYBODY KNOWS IN THIS BODY WE'RE COLLEGIAL AND WE'RE FRIENDS BUT WE HAVE DIFFERENT POLITICAL VIEWS. [LB649]

SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR GROENE: SO IF I VOTE AGAINST...FOR SOMEONE AND NOT ANOTHER, THAT OTHER PERSON KNOWS IT'S ABOUT POLITICAL VIEWS, DIFFERENT STANCES. IT'S NOT PERSONAL. WE NEED TO MAKE THIS TRANSPARENT SO THAT

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THE HONEST PEOPLE WHO SAY THEIR VOTE IS GOOD DELIVER AND LET EVERYBODY KNOW HOW THEY VOTED. AND THOSE FEW WHO MAKE PROMISES AND DON'T KEEP THEM, THERE'S SOME LIGHT SHINED ON THEM. AND IT'S A VERY FEW, BUT THAT IS WHERE WE NEED TO FOCUS, MAKE EVERYBODY ACCOUNTABLE AND HONEST. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS SCHUMACHER, McCOY, SCHNOOR, KRIST, AND OTHERS. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB649]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. WHEN WE FIRST CONVENED THIS YEAR, OUR GUIDEBOOK WAS ONLY ONE DOCUMENT: THE CONSTITUTION, NOT THE STATUTES, JUST THE CONSTITUTION. WE, ELECTED TO THIS BODY, ARE THE LEGISLATURE, THE SUPREME LEGISLATIVE AUTHORITY. AND IN VERY FEW WORDS, THE CONSTITUTION LAYS DOWN THE GROUNDWORK FOR OUR CONDUCT. I HONESTLY DIDN'T BELIEVE THAT THIS BILL WAS GOING TO EVEN ATTEMPT TO APPLY TO THE LEGISLATURE. BUT FROM THE DISCUSSION, APPARENTLY, THIS IS A REHASH OF AN ARGUMENT WE HAD EARLIER THIS YEAR. NEVERTHELESS, IF THIS IS THE INTENT OF THIS BILL, WE ARE GOVERNED BY THE CONSTITUTION. THE CONSTITUTION, ARTICLE III, SECTION 10, IS REAL CLEAR: REGULAR SESSIONS OF THE LEGISLATURE SHALL BE HELD ANNUALLY, COMMENCING AT 10:00 A.M. ON THE FIRST WEDNESDAY AFTER THE FIRST MONDAY IN JANUARY OF EACH YEAR. A MAJORITY OF THE MEMBERS ELECTED TO THE LEGISLATURE SHALL CONDUCT A QUORUM...OR CONSTITUTE A QUORUM. THE LEGISLATURE SHALL DETERMINE THE RULES OF ITS PROCEEDINGS AND BE THE JUDGE OF THE ELECTION, RETURNS, AND QUALIFICATIONS OF ITS MEMBERS, SHALL CHOOSE ITS OWN OFFICERS, INCLUDING A SPEAKER TO PRESIDE WHEN THE LIEUTENANT GOVERNOR SHALL BE ABSENT OR INCAPACITATED OR SHALL BE ACTING AS GOVERNOR. THAT NEW BODY, THAT FRESH BLOOD COMING IN IS NOT BOUND BY THE STATUTES. IT SHALL DETERMINE THE RULES OF ITS PROCEEDINGS. LEGISLATURES OF THE PAST CANNOT BIND THE NEW BLOOD OF THE FUTURE. WE ACTED PROPERLY EARLIER THIS YEAR AND WE FOLLOWED THE CONSTITUTION, CONSTITUTION THAT TOLD US WE SHALL BE GOVERNED BY OUR RULES, AND "OUR" MEANING THE RULES OF THE NEW LEGISLATURE, NEWLY CONVENED, NOT SOME OTHER LEGISLATURE'S RULES AND NOT THE STATUTES. WHAT DID WE DO? WE, INSTEAD OF SCRAPPING TOGETHER SOME TEMPORARY RULES, WE ADOPTED THE OLD RULES AS THE TEMPORARY RULES. BUT IT WAS THE NEW LEGISLATURE BLESSING THE OLD RULES AND ADOPTING THEM. AND THEN WE WENT THROUGH REVIEWING THE RULES AND, FINALLY, ADOPTING

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THEM AS PERMANENT RULES. YOU CAN'T DO IT THIS WAY. THIS PARTICULAR BILL NEEDS TO BE BRACKETED BECAUSE, IF IT IS INTENDED TO APPLY TO THE LEGISLATURE, IT IS VIOLATIVE OF THE CONSTITUTION AND CLEARLY UNENFORCEABLE. WE'VE CROSSED THIS BRIDGE AS A LEGISLATURE. WE CROSSED IT WHEN WE ADOPTED OUR RULES AND ELECTED OUR PEOPLE. THE NEXT LEGISLATURE WILL CROSS IT AGAIN, AND THE ONE AFTER THAT, AGAIN AND AGAIN, AS IT SHOULD BE, BECAUSE THE SUPREME LEGISLATIVE AUTHORITY SHOULD NOT BE HANDCUFFED OR BOUND BY STATUTES AND RULES OF PRIOR LEGISLATURES UNLESS IT CONSENTS TO. IT IS THAT LEVEL OF POWER, IT TAKES A WHILE TO APPRECIATE IT, THAT THE LEGISLATURE HAS IN THIS STATE UNDER THE SUPREME LAW OF OUR STATE, BARRING ONLY THE... [LB649]

SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR SCHUMACHER: ...FEDERAL CONSTITUTION AND THE TREATIES. IT IS THAT POWER THAT WE HAVE. AND NO MORE THAN WE COULD PASS A STATUTE SETTING UP WHO IS TO BE SPEAKER, WHAT RULES THE LEGISLATURE IS TO BE BOUND BY FOREVER AND EVER, AMEN. NO MORE THAN WE COULD DO THAT CAN WE DO THIS. THIS BILL IS UNCONSTITUTIONAL IF ITS INTENT IS TO BE APPLIED TO THE LEGISLATURE. AND THE BRACKET MOTION IS GOOD. THANK YOU. [LB649]

SPEAKER HADLEY: (VISITORS INTRODUCED.) THE FOLLOWING ARE IN THE QUEUE: McCOY, SCHNOOR, KRIST, MURANTE, MORFELD, BLOOMFIELD, CHAMBERS, AND COOK. SENATOR McCOY, YOU'RE RECOGNIZED. [LB649]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. IT'S FORTUITOUS, I THINK, THAT I FOLLOW SENATOR SCHUMACHER IN THE QUEUE. AND WHILE SENATOR SCHUMACHER HAS THE LUXURY AND THE SKILLED LEGAL TRAINING OF A LONGTIME PRACTICING ATTORNEY AND I DO NOT, I WILL CHALLENGE VERY QUICKLY WHAT HE JUST TALKED TO YOU. AND I WOULD SUBMIT TO THE BODY AND SUBMIT TO SENATOR SCHUMACHER TO LOOK ON YOUR COMPUTERS AT CHAPTER 50 OF OUR STATE STATUTE WHICH OUTLINES THE FULL LENGTH AND BREADTH OF ALL OF THE THINGS IN STATUTE THAT THE LEGISLATURE MUST COMPLY WITH, EVERYTHING FROM THE EXECUTIVE BOARD TO OUR CAUCUS STRUCTURE TO EVERYTHING ELSE THAT GOVERNS THE LEGISLATURE OF NEBRASKA NO MATTER WHAT NEW BLOOD IS OR ISN'T IN THE LEGISLATURE. AND THE LEGISLATURE MUST SUBMIT TO THOSE STATUTES THAT ARE CODIFIED BECAUSE THAT'S WHAT PAST LEGISLATURES HAVE PASSED AND PAST

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GOVERNORS HAVE SIGNED INTO THE LAW. SO I DON'T AGREE AT ALL WITH THE FACT THAT THIS IS UNCONSTITUTIONAL. IT'S NO DIFFERENT THAN ANY OTHER TIME IN WHICH THE LEGISLATURE HAS PASSED A LAW THAT ADDED TO CHAPTER 50 OF THE STATE STATUTE, OF WHICH IT'S VERY LENGTHY. I WOULD SUGGEST THAT YOU LOOK AT THAT. WE MUST SUBMIT TO THE SAME LAWS ON THE PUBLIC RECORDS ACT (SIC) THAT ANY OTHER NEBRASKA POLITICAL SUBDIVISION, GOVERNING BODY OR, FOR THAT MATTER, ANY NEBRASKA CITIZEN MUST SUBMIT TO. HERE IN THE LEGISLATURE, MEMBERS, WE'RE NOT ABOVE THE LAW. WE DON'T GET TO BE HELD TO A DIFFERENT STANDARD BECAUSE WE'RE THE PINNACLE OF POLITICAL SUBDIVISIONS, THE PINNACLE OF GOVERNING BODIES IN NEBRASKA. THE LEGISLATURE...THE STATUTE IS PRETTY CLEAR ON THAT. I THINK THAT'S THE BEAUTY OF ITS...OF THE WAY IT'S BEEN ORCHESTRATED BY THE CITIZENS OF NEBRASKA IN SESSIONS AND YEARS PAST. THIS IS MERELY IN ADDITION TO WHAT WE ALREADY ARE SUBJECT TO UNDER THE PUBLIC RECORDS ACT (SIC) IN NEBRASKA STATUTE. IT'S NOT UNCONSTITUTIONAL. AND IN ANSWER TO WHAT SENATOR HANSEN SPOKE OF EARLIER, HE MAY RECALL THAT WE CORRECTED WHAT HE TALKED ABOUT, HAVING TO TAKE A RECORD VOTE FOR THINGS AS SIMPLE AS ADJOURNING FOR LUNCH, IN THIS AMENDMENT. THERE WAS SOME QUESTION BY DRAFTERS ABOUT WHETHER OR NOT THE GREEN COPY OF THE BILL WOULD HAVE CREATED THAT SORT OF CONSTERNATION. THAT'S BEEN CORRECTED IN THIS AMENDMENT, ACCORDING TO ANYONE THAT WE'VE TALKED TO. AND IF SOMEONE HAS A DIFFERING OPINION ON THAT, I'D LOVE TO HEAR IT. THIS DOESN'T APPLY TO MOTIONS SUCH AS ADJOURNING FOR LUNCH. THIS BILL, YOU MAY SUPPORT IT, YOU MAY NOT, BUT IT IS NOT UNCONSTITUTIONAL. THE LEGISLATURE SUBMITS TO A WHOLE HOST OF STATUTES THAT HAVE BEEN PASSED BY PRIOR LEGISLATURES THAT BIND FUTURE LEGISLATURES. THIS IS NO DIFFERENT. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB649]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SENATOR MURANTE, WILL YOU YIELD TO A QUESTION, PLEASE? [LB649]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB649]

SENATOR MURANTE: YES. [LB649]

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SENATOR SCHNOOR: SENATOR MURANTE, I'D LIKE JUST A CLARIFICATION ON THE BILL AND THE AMENDMENT. THE BILL SIMPLY STATES, ALL VOTES TAKEN BY PUBLIC OFFICIALS IN THE RECORD (SIC--COURSE) OF THEIR PUBLIC DUTIES SHALL BE CONSIDERED PUBLIC RECORD. AND THEN THE AMENDMENT, AND I'LL JUST READ THE LAST PORTION...I'LL READ IT ALL: EACH VOTE CAST BY A PUBLIC OFFICIAL FOR A LEADERSHIP POSITION IN THE BODY IN WHICH HE OR SHE SERVES SHALL BE RECORDED AND PRESERVED AS A PUBLIC RECORD, EXCEPT THAT A PROCEDURE MAY BE USED TO PERMIT THE VOTE TO BE CAST SECRETLY SO LONG AS THE PERSON FOR WHOM THE PUBLIC OFFICIAL VOTED IS RECORDED AFTER THE TALLY FOR PURPOSES OF THIS SECTION. SO IN ESSENCE, WE CAN STILL DO THE SECRET BALLOTS, SIMPLY. CORRECT? [LB649]

SENATOR MURANTE: YOU COULD HAVE BALLOTTED ELECTIONS, BUT WHO EVERYONE VOTED FOR WOULD BE RECORDED IN THE JOURNAL. [LB649]

SENATOR SCHNOOR: CORRECT. BUT I, IF I VOTE FOR YOU, OR SAY I VOTED FOR SENATOR McCOY FOR YOUR POSITION OR WHOEVER IT WAS, THAT'S NOT GOING TO BE ANNOUNCED PUBLICLY, SAY, I VOTED FOR SENATOR MURANTE. YOU KNOW, IT'S JUST RECORDED IN THE JOURNAL, THAT'S ALL, AS I UNDERSTAND IT. IS THAT CORRECT? [LB649]

SENATOR MURANTE: IT WOULD NOT BE IMMEDIATELY RECORDED AT THE TIME OF VOTING BUT IT...THE BALLOT WOULD HAVE SOME SORT OF IDENTIFIER ON IT SO IT WOULD BE KEPT FOR PUBLIC RECORD FOR OBSERVATION BY OUR CONSTITUENTS. [LB649]

SENATOR SCHNOOR: SO WE TALK ABOUT...THERE'S THE BIG WORD OF "COLLEGIALITY" AROUND HERE AND, YOU KNOW, PEOPLE ARE WORRIED ABOUT OFFENDING PEOPLE. EVEN ON A SCHOOL BOARD, IT GETS...THINGS CAN GET VERY, VERY, VERY PERSONAL WHEN YOU HAVE A SMALL TOWN, YOU HAVE, OH, MAYBE THREE POSITIONS OPEN AND YOU HAVE FOUR PEOPLE RUNNING OR ON A BOARD OR THEN YOU'RE VOTING FOR THE PRESIDENT OF THE BOARD AND ONE PERSON'S REALLY PUSHING REAL HARD TO GET IT BUT THE OTHER PERSON GETS VOTED IN AND THEN THINGS GET PERSONAL. BUT EVEN IN THAT POSITION, YOU DON'T HAVE TO SIT THERE AND ANNOUNCE PUBLICLY WHO YOU VOTED FOR. IT JUST BECOMES A MATTER OF RECORD. IS THAT CORRECT? [LB649]

SENATOR MURANTE: CORRECT. [LB649]

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SENATOR SCHNOOR: SO I GUESS MY POINT IS, WHAT DO WE HAVE TO HIDE? YOU KNOW, EVERYBODY'S WORRIED ABOUT HURTING SOMEBODY'S FEELINGS BECAUSE YOU VOTED FOR A DIFFERENT PERSON OR YOU VOTED FOR...YOU DIDN'T VOTE FOR THIS GUY BECAUSE YOU THINK HE'S TOO LIBERAL SO YOU VOTED FOR THIS GUY BECAUSE HE'S MORE CONSERVATIVE. IT DOESN'T NEED TO GO TO THAT LEVEL. THE COLLEGIALITY IS STILL GOING TO BE MAINTAINED. THERE IS ABSOLUTELY...WE SHOULD HAVE NOTHING TO HIDE, SO I'M IN FAVOR OF THIS. I'M IN FAVOR OF THE AMENDMENT. I THINK THE AMENDMENT JUST GOES ONE STEP FURTHER JUST TO MAKE IT MORE CLEAR AND JUST LET PEOPLE KNOW YOU CAN STILL DO THE SECRET BALLOT, IT JUST GETS PUT IN THE PUBLIC RECORD. THAT'S IT. LET THE PUBLIC SEE WHO YOU VOTED FOR. I SHOULD HAVE NOTHING TO HIDE OF WHO I VOTED FOR, FOR THE SPEAKER OF THE HOUSE OR FOR ANY POSITION. AND WHY SHOULD THEY BE OFFENDED ONE WAY OR THE OTHER? BECAUSE THE FACT OF THE MATTER IS, WHOEVER WINS IS WHO WINS AND THEY'RE...THEY DON'T HAVE TO DO ANYTHING TO MAKE ME HAPPY. THEY HAVE TO SUPPORT THE WHOLE BODY. SO LET'S SUPPORT THIS BILL AND LET'S MOVE ON AND LET'S JUST SHOW THE PEOPLE WE HAVE NOTHING TO HIDE. AND I WILL YIELD THE REST OF MY TIME TO SENATOR KINTNER. [LB649]

SPEAKER HADLEY: SENATOR KINTNER, YOU HAVE ONE MINUTE. [LB649]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. ONCE AGAIN, THOSE AT HOME, I'M SORRY YOU HAVE TO HEAR ME THIS WAY. BUT I THINK I OWE AN EXPLANATION OF WHY I BROUGHT THIS BACK. I THINK A LOT WAS SAID WHEN WE WORKED THIS THE FIRST TIME THAT WE'RE GOING TO HAVE A BUNCH OF HURT FEELINGS AND PEOPLE AREN'T GOING TO GET ALONG. WELL, YOU KNOW, FOUR OF US, WE MADE PUBLIC WHO WE VOTED FOR. AND YOU KNOW WHAT, IT DIDN'T HURT ANYBODY BECAUSE WE HAVE TO COUNT TO 25 HERE. YOU ALWAYS GOT TO COUNT TO 25. YOU CAN'T STORM OFF IN A HUFF AND GET ANYTHING DONE AROUND HERE. EVERYONE'S GOT TO COUNT TO 25. WE'VE GOT TO WORK TOGETHER. WE'VE GOT TO PUT THE PAST BATTLES BEHIND US AND WE DO THAT. SO I THOUGHT THAT, WELL, THREE MONTHS LATER, THINGS HAVE SETTLED DOWN. WE'VE PROVEN THAT NO ONE GETS THEIR FEELINGS HURT AND IT'S GOING TO BE A BUNCH OF BAD BLOOD. THAT'S WHY I THOUGHT IT MADE SENSE TO TAKE ANOTHER LOOK AT THIS WHEN THE 18 FRESHMEN CAN ACTUALLY SEE THAT THEIR DIRE PREDICTIONS DID NOT COME TRUE. THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED. [LB649]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AGAIN. AND GOOD MORNING, NEBRASKA. I'M GOING TO START BY AGAIN REREADING THE CONSTITUTION OF THE STATE OF NEBRASKA THAT WAS READ BY SENATOR SCHUMACHER, SECTION 10...ARTICLE III, SECTION 10 ABOUT HALFWAY DOWN THE PARAGRAPH: THE LEGISLATURE SHALL DETERMINE THE RULES OF ITS PROCEEDINGS AND BE THE JUDGE OF THE ELECTION, RETURNS, AND QUALIFICATIONS OF ITS MEMBERS, SHALL CHOOSE ITS OWN OFFICERS, INCLUDING A SPEAKER TO PRESIDE WHEN THE LIEUTENANT GOVERNOR SHALL BE ABSENT. THAT IS THE CONSTITUTION OF THE STATE OF NEBRASKA. IF SENATOR DENNIS UTTER WERE STILL HERE, HE WOULD SAY, AND I QUOTE, FOLKS, THIS IS A SLIPPERY SLOPE. THIS IS AN AWFUL SLIPPERY SLOPE BECAUSE WHAT WE'RE DOING BY STATUTE IS CIRCUMVENTING WHAT IS IN THE CONSTITUTION OF THE STATE OF NEBRASKA. NOW I DEFEND SENATOR KINTNER'S OPINION, HIS ABILITY, HIS RESPONSIBILITY, AND HIS PREROGATIVE AS A STATE SENATOR TO BRING THIS ISSUE BACK UP AGAIN AND AGAIN AND AGAIN, AND I'M SURE HE WILL. BUT THIS IS THE WRONG FORMAT. BRING IT BACK UP IN RULES WHEN WE MEET NEXT YEAR AND LET'S BRING IT ON THE FLOOR IN 2017. YOU'LL HAVE ANOTHER OPPORTUNITY. ACTUALLY, SENATOR KINTNER, I THINK YOU'RE GOING TO HAVE SEVERAL MORE OPPORTUNITIES. THE PEOPLE WHO VOTED "YES" TO BRING THIS OUT OF GOVERNMENT, I'VE JUST LOOKED AT THEIR QUALIFICATIONS. THERE ISN'T ONE LAWYER AMONGST THEM, NOT ONE. I DON'T THINK THE LEGAL COUNSEL FOR THE GOVERNMENT AFFAIRS COMMITTEE IS A LAWYER, AS WELL. MAYBE HE IS, I DON'T KNOW, BUT I WOULD QUESTION IF HE IS. YOU HEARD FROM THE PERSON ON THIS FLOOR WHO HAS BECOME, QUOTE UNQUOTE, THE "PROFESSOR," AND THE PERSON WHO I THINK IN TERMS OF CONSTITUTIONAL LAW IS ABLE TO GIVE YOU A GOOD READ ON WHAT THIS IS GOING TO DO. AND I'D INVITE SENATOR BURKE HARR TO STAND UP AND SAY SOMETHING ABOUT CONSTITUTIONALITY AT THIS POINT, AS WELL. THIS IS NOT THE RIGHT WAY TO DO THIS. IF IT COMES TO THE RULES COMMITTEE NEXT YEAR, I MAY EVEN VOTE IT OUT, JUST TO GET THE IDEA HERE ON THE FLOOR AND HAVE A DISCUSSION ABOUT WHAT WILL HAPPEN IN 2017 SO WE CAN ALL BE TRANSPARENT. BUT THIS IS A RULE THAT THE LEGISLATOR WORKS...LEGISLATURE WORKS UNDER THAT COMES FROM THE CONSTITUTION OF THIS GREAT STATE. NOW SENATOR GROENE HAS BEEN INVOLVED WITH PETITIONS. AND THAT'S ANOTHER WAY TO DO THIS: SEND IT OUT TO A PETITION AND LET THE PEOPLE VOTE ON IT. I WOULD SUPPORT THAT. I'D VOTE THAT OUT OF THIS PLACE. BUT THIS IS THE WRONG FORMAT BECAUSE, FOLKS, IT IS A SLIPPERY SLOPE. AND I HATE THAT PHRASEOLOGY, BUT LET'S NOT GO DOWN THE PATH OF CHANGING THE RULES AND CIRCUMVENTING THE CONSTITUTION. YOU KNOW WHEN SOMETHING IS TRULY UNCONSTITUTIONAL? WHEN IT'S

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TESTED. SO LET'S JUST SAY THAT THE BRACKET MOTION FAILS--AND I HOPE IT DOESN'T; THANK YOU, SENATOR CHAMBERS, FOR BRINGING IT FORWARD--AND LET'S SAY THE AM821 SUCCEEDS AND LB649 SUCCEEDS. AND THE FIRST THING THAT'S GOING TO HAPPEN IS THERE WILL BE A CHALLENGE. AND IT'LL COST US MONEY AND IT'LL GO TO THE SUPREME COURT. AND THEN THE SUPREME COURT WILL TELL US HOW TO OPERATE. YOU WANT THAT TO HAPPEN? THIS BRACKET MOTION...OR SEND IT BACK TO COMMITTEE OR WHATEVER WE WANT TO DO PRESERVES THE RULES AND THE RESPONSIBILITIES OF THIS LEGISLATURE. AND I WANT TO SAY IT AGAIN. [LB649]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: ONE MINUTE. [LB649]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. IF THIS COMES TO THE RULES COMMITTEE, UPON WHICH I SIT, I WILL VOTE IT OUT NEXT YEAR. WE WILL HAVE THIS DISCUSSION BEFORE WE HAVE TO OPERATE ON OUR OWN IN A TRANSPARENT WAY. BUT THIS IS THE WRONG VENUE, THE WRONG PLATFORM, THE WRONG WAY TO DO THIS. DO NOT LIMIT YOUR OWN CAPABILITIES AND YOUR OWN ABILITY TO RULE AS A LEGISLATURE. IT IS--THANK YOU, SENATOR UTTER--A SLIPPERY SLOPE. [LB649]

SENATOR GLOOR: THANK YOU, SENATOR KRIST. (VISITORS INTRODUCED.) WE NOW RETURN TO DEBATE. SENATOR MURANTE, YOU ARE RECOGNIZED. [LB649]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I REMAIN IN OPPOSITION TO THE BRACKET MOTION, IN FAVOR OF LB649. ONE THING I WILL DO...I'M NOT CONVINCED AT THIS TIME THAT WE HAVE A CONSTITUTIONAL CRISIS ON OUR HANDS HERE. BUT WHAT I WILL COMMIT TO IS, IN THE EVENT THAT THIS BRACKET MOTION FAILS, THAT THE COMMITTEE AMENDMENT IS ADOPTED, AND LB649 IS ADVANCED TO SELECT FILE, I WILL PERSONALLY SEEK AN ATTORNEY GENERAL'S OPINION TO CLEAR UP, SET PEOPLE'S MINDS AT EASE ON THE SUBJECT MATTER. IF WE GET TO THAT POINT, I'D BE HAPPY TO DO THAT, BECAUSE I CERTAINLY DON'T WANT TO BE PART OF PASSING ANYTHING THAT'S UNCONSTITUTIONAL. SO I WOULD BE HAPPY TO VOLUNTEER MY SERVICES IN THAT REGARD TO GET SOME CLARIFICATION ON THAT FRONT IF IT...PEOPLE ARE CONCERNED ABOUT IT. BUT THERE WAS SOME TALK ABOUT WHY THE GOVERNMENT COMMITTEE DID THIS, AND I CAN PERHAPS ELABORATE A LITTLE BIT. LB649, FOLLOWING THE RULES DISCUSSION

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THAT WE HAD, WAS INTRODUCED, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, AND WE SCHEDULED A PUBLIC HEARING I BELIEVE IN THE LATTER PART OF FEBRUARY. WE CONDUCTED A PUBLIC HEARING, AS WE CONDUCT PUBLIC HEARINGS ON EVERY BILL REFERENCED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. AND WHEN THE BILL WAS PRIORITIZED, I SCHEDULED LB649 FOR A VOTE, WHICH IS WHAT WE DO ACROSS THE BOARD ON EVERY BILL THAT IS REFERENCED TO THE GOVERNMENT COMMITTEE. EVERY BILL THAT HAS BEEN PRIORITIZED HAS GOT ITS DAY, IT'S GOT ITS EXECUTIVE SESSION, AND IT'S HAD A VOTE. I DON'T...AS A MATTER OF FACT, I DON'T BELIEVE WE HAVE ANY PRIORITY BILLS IN THE GOVERNMENT COMMITTEE THAT ARE...THAT HAVE NOT BEEN ADVANCED TO GENERAL FILE AT THIS TIME, THAT AT LEAST FOR THE SAKE OF DISCUSSION, EVERY PRIORITY BILL HAS BEEN ADVANCED TO GENERAL FILE. AND THAT'S HOW WE OPERATE. SO EVERY BILL, WHETHER I LIKE IT OR DON'T LIKE IT, IS GOING TO BE TREATED WITH THAT LEVEL OF COURTESY. IT'S GOING TO BE TREATED THAT WAY. AND ALTHOUGH SENATOR KINTNER'S RULES CHANGE DID NOT HAVE SUFFICIENT SUPPORT TO BE ENACTED EARLIER THIS SESSION, IT JUST SO HAPPENS THAT A MAJORITY OF THE COMMITTEE SUPPORTED SENATOR KINTNER IN THAT EFFORT AND BELIEVES THAT VOTES TAKEN BY PUBLIC OFFICIALS IN THIS STATE SHOULD NOT BE SECRET AND THEY SHOULD NOT BE KEPT FROM OUR CONSTITUENTS. THAT'S HOW THE BILL GOT ON THE FLOOR OF THE LEGISLATURE. I WISH IT WAS MORE COMPLICATED THAN THAT, BUT THAT'S ABOUT AS SIMPLE AS IT GETS AND THAT IS THE PROCESS BY...THAT...WITH WHICH WE OPERATE IN OUR COMMITTEE. SO I BELIEVE LB649 IS GOOD PUBLIC POLICY. I THINK WE'VE HEARD SOME DRAMATIC EXTREMES FOR THE GOOD THAT WILL COME IF WE PASS IT AND THE HARM THAT WILL COME IF IT FAILS. QUITE FRANKLY, I'M NOT SURE EITHER. I THINK PERHAPS WE'RE USING A LITTLE BIT OF HYPERBOLE ON BOTH EXTREMES. I'M NOT SURE THAT IT WILL FUNCTIONALLY CHANGE TOO MUCH IN HOW WE OPERATE ASIDE FROM ALLOWING OUR CONSTITUENTS TO KNOW WHO WE VOTE FOR. BUT I'M NOT SURE MANY OF US WOULD CHANGE OUR VOTES, AT LEAST THAT'S THE OBSERVATION I'VE HAD WHEN TALKING WITH MY COLLEAGUES. SO I ENCOURAGE YOU TO VOTE AGAINST THE BRACKET MOTION AND TO SUPPORT LB649. THANK YOU, MR. PRESIDENT. [LB649]

SENATOR GLOOR: THANK YOU, SENATOR MURANTE. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB649]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I RISE IN SUPPORT OF THE BRACKET MOTION. SENATOR SCHUMACHER AND OTHERS HAVE

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MADE SOME GOOD POINTS ABOUT THE QUESTIONABILITY OF THE CONSTITUTIONALITY OF IT. I'M AN ATTORNEY BUT HAVE ONLY BEEN ONE FOR THREE YEARS, SO I'LL DEFER TO SENATOR SCHUMACHER AND HIS WISDOM IN THAT. BUT THE REASON WHY...THAT I SUPPORT THE BRACKET MOTION IN PARTICULAR AND OPPOSE THE BILL IS THAT I THINK INTENT MATTERS. AND IN MY DISTRICT, THERE WAS REALLY NOBODY THAT CONTACTED ME AND SAID, I REALLY WANT TO KNOW WHO YOU'RE VOTING FOR, FOR COMMITTEE CHAIR OR FOR SPEAKER. WHAT THEY WANT TO KNOW IS WHO I'M VOTING FOR THAT MAKES OUR LAW...EXCUSE ME, WHAT I'M VOTING FOR IN REGARD TO THE LAWS THAT WE ARE EITHER MAKING OR NOT MAKING. AND WE HAVE ONE OF THE MOST TRANSPARENT LEGISLATURES IN THE ENTIRE COUNTRY. I'VE MET WITH COLLEAGUES THAT ARE MEMBERS OF OTHER LEGISLATURES THROUGHOUT THE COUNTRY, AND THEY'RE SHOCKED AT HOW TRANSPARENT WE ARE ABOUT OUR COMMITTEE PROCESS, ABOUT THE NEED TO HAVE A HEARING ON EVERY BILL THAT'S INTRODUCED, AND THAT THERE REALLY CAN'T BE VERY MANY SHENANIGANS WITH THAT THAT'S POSSIBLE. AND SO WE HAVE ONE OF THE MOST TRANSPARENT BODIES IN THE ENTIRE COUNTRY. AND I HAVEN'T HEARD FROM ONE OF MY CONSTITUENTS ABOUT A NEED TO KNOW WHO I VOTED FOR, FOR A COMMITTEE CHAIR OR WHO I VOTED FOR TO RUN OUR LEGISLATURE IN REGARD TO THE SPEAKER, EXCEPT WHEN SOME PEOPLE WERE UPSET THAT THE COMMITTEE CHAIR THAT THEY WANTED DIDN'T GET ELECTED. AND, I MEAN, FAIR ENOUGH, BUT THE FACT OF THE MATTER IS, IS THAT INTENT MATTERS. AND I BELIEVE THE INTENT OF THIS LEGISLATION IS TO CREATE THE ABILITY TO SETTLE POLITICAL SCORES AND THAT IS WHY I'M OPPOSED TO IT. AND I WANT TO END AND CLOSE BY SAYING THAT WE HAVE ONE OF THE MOST TRANSPARENT LEGISLATURES IN THE ENTIRE COUNTRY, IF NOT THE MOST. THANK YOU. [LB649]

SENATOR GLOOR: THANK YOU, COUNSELOR. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB649]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I SPOKE AGAINST THIS BILL A FEW MOMENTS AGO, BUT I DON'T KNOW IF IN MY RAMBLINGS I MENTIONED THAT I DO SUPPORT THE BRACKET MOTION. I DO SUPPORT SENATOR CHAMBERS' BRACKET MOTION. IN MY MIND, WE'VE STOPPED THIS ATTEMPT TWICE ALREADY THIS YEAR. MAYBE THE THIRD TIME WILL BE THE CHARM AND IT'LL GO AWAY FOR THIS YEAR FOR...AS IT SHOULD FOR VARIOUS REASONS. MR. PRESIDENT, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SPEAKER HADLEY. [LB649]

SENATOR GLOOR: THANK YOU, SENATOR BLOOMFIELD. SENATOR... [LB649]

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SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, YOU KNOW, AS SPEAKER I GET TO SET VERY LITTLE. BUT ONE OF THE THINGS THAT I GET TO SET IS KIND OF HOW WE HEAR BILLS, HOW WE HEAR ORDERS OF BILLS AND SUCH AS THAT, AND LET ME GO OVER A FEW OF THOSE RULES. ONE IS, IF A BILL GOES TO CLOTURE AND DOES NOT HAVE THE VOTES FOR CLOTURE, THE BILL IS DONE FOR THE YEAR, DONE, FINISHED, OVER, KAPUT. YOU WANT TO BRING IT BACK NEXT YEAR, YOU REENTER THE BILL OR YOU PRIORITIZE THE BILL, IT COMES BACK NEXT YEAR. A BILL IS BRACKETED, I DON'T CARE IF A BILL IS BRACKETED TOMORROW. IF A BRACKET MOTION GOES THROUGH, THE BILL IS DONE, IPP, DONE. YOU WANT TO TAKE YOUR BILL OFF THE AGENDA? DONE. I SEE THIS AS A BACKDOOR WAY TO GET BACK AT WHAT WE VOTED ON EARLIER THIS YEAR. AND IF YOU'RE GOING TO DO THIS, DOES THAT MEAN YOU CAN HAVE A BILL THAT'S DEFEATED ON THE FLOOR AND YOU BRING THE BILL BACK THEN AS AN AMENDMENT TO ANOTHER BILL? WE VOTED. I BELIEVE I'M QUOTING SENATOR MURANTE CORRECTLY WHEN HE SAID HE BELIEVES THIS APPLIES TO THE LEGISLATURE. WE VOTED ON THAT RULE. THAT'S WHY I SEE THIS AS A BACKDOOR WAY OF REEXAMINING OR REVOTING ON THAT ISSUE. I WILL SUPPORT THE BRACKET MOTION BECAUSE THAT ISN'T THE WAY WE NEED TO DO THINGS HERE. IF YOU HAVE A BILL THAT IS DEFEATED, DOESN'T HAVE THE VOTES, WE MOVE ON. IF YOU HAVE A BILL THAT YOU DON'T GET CLOTURE ON, WE MOVE ON. YOU HAVE A BILL THAT IS BRACKETED? WE MOVE ON. IF YOU WANT TO START BEING ABLE TO BRING THINGS BACK, JUST LET ME KNOW. I WILL SPEAK AGAINST IT, BUT YOU CAN CERTAINLY HAVE THAT RIGHT BECAUSE YOU DO MAKE THE RULES HERE. THANK YOU, MR. PRESIDENT. [LB649]

SENATOR GLOOR: THANK YOU, MR. SPEAKER. (VISITORS INTRODUCED.) WE CONTINUE WITH DEBATE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB649]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR McCOY SAID HE'S NOT A LAWYER, AND OBVIOUSLY THAT'S THE TRUTH. THE CONSTITUTION DETERMINES WHAT IS THE LAW. THE LEGISLATURE CAN PASS ANYTHING IT WANTS TO, AND THE SUPREME COURT SAID ANYTHING THAT THE LEGISLATURE ENACTS IS PRESUMED TO BE CONSTITUTIONAL. BUT WHEN IT COMES BEFORE THE COURT, THE COURT LOOKS AT WHETHER OR NOT UNDER THE CONSTITUTION THAT WHICH THE LEGISLATURE DID WILL STAND, A PRINCIPLE THAT APPLIES TO ALL LEGISLATURES BECAUSE THEY HAVE TOTAL AUTHORITY TO LEGISLATE ON ANY SUBJECT WHICH IS NOT PROHIBITED BY THE CONSTITUTION. SO ALL THOSE THINGS SENATOR McCOY READ, THOSE ARE POSITIONS BY PRIOR LEGISLATURES AND IT CANNOT BIND THIS ONE. I DON'T CARE IF IT'S WRITTEN ON THE PAGES OF THE BIBLE. THERE IS NO WAY THAT ANY

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OF THOSE STATUTES CAN BE ENFORCED. AND IF HE TAKES IT TO COURT, THEN THEY'LL TELL HIM, ONE LEGISLATURE CANNOT BIND ANOTHER ONE. LOOK AT THE DATE WHEN THAT WAS PASSED AND THE CURRENT LEGISLATURE SAYS THAT THAT'S NOT THE WAY IT'S GOING TO DO IT AND THE STATUTE DOES NOT TRUMP THE CONSTITUTION. AND IF A LAWYER TOLD HIM THAT, THE LAWYER IS TOTALLY INCOMPETENT. AND YOU KNOW WHAT YOU HAVE TO DO TO HAVE A LAW ENFORCED IF YOU THINK IT NEEDS TO BE ENFORCED? YOU TAKE IT TO COURT AND TELL THE SUPREME COURT TO ORDER THIS LEGISLATURE TO COMPLY WITH A STATUTE THAT IT HAS CHOSEN TO IGNORE. AND THE COURT WOULD SAY, ARE YOU CRAZY? AND AS FOR THIS GETTING AN ATTORNEY GENERAL'S OPINION, YOUNG SENATOR MURANTE WHO IS NOT A LAWYER, THERE WERE ATTORNEYS GENERAL WHO WOULD SAY YOU ALL COULD NOT GET THE EXPENSE MONEY THAT YOU NOW GET. AND YOU KNOW WHY YOU GET IT? BECAUSE I DID NOT ACCEPT THE WORDS WRITTEN ON A PIECE OF PAPER BY AN ATTORNEY GENERAL WHO WAS INCOMPETENT AND I USED MY MIND BECAUSE I CAN READ AND I CAN UNDERSTAND AND NO PARTY TELLS ME WHAT TO DO AND I TOOK IT TO COURT. AND YOU GET YOUR EXPENSE MONEY NOW. EVERY MONTH YOU GET THAT CHECK, YOU SAY, THIS PROVES THAT SENATOR CHAMBERS WAS RIGHT AND ALL OF THOSE ATTORNEYS GENERAL WERE WRONG. THESE PEOPLE OUGHT TO STAY IN THE REALM WHERE THEY KNOW SOMETHING, LIKE CONDUCTING POLITICAL CAMPAIGNS. AND THEY LOSE THE ELECTION, BUT AT LEAST THEY KNOW HOW TO CAMPAIGN. AND I LET...THIS IS WHY I DON'T ARGUE WITH SOME PEOPLE. HERE I'LL DISCUSS THINGS ON THE FLOOR FOR THE RECORD. BUT WHEN THESE NUTTY PEOPLE GET ON THESE RADIO SHOWS AND THEY CALL AND THEY WANT TO ARGUE, I SAY, YOU DON'T EVEN KNOW ENOUGH TO ARGUE WITH ME AND I WON'T WASTE MY TIME. AND IN A SENSE, I'M WASTING MY TIME NOW, BUT I WANT IT IN THE RECORD. WHO WILL BELL THE CAT, IS WHAT THIS OLD RAT TOLD THESE MICE. AND ALTHOUGH THEY'RE TWO DIFFERENT SPECIES, WHEN THEY THOUGHT THAT THEY COULD TELL WHERE THE CAT IS BY PUTTING A BELL ON THE CAT AND EVERY TIME THE CAT APPROACHED THE BELL WOULD RING...AND THE OLD RAT SAID, WHO WILL BELL THE CAT? SO YOU'RE GOING TO LET A NONLAWYER TELL YOU THAT WHAT THE SUPREME COURT HAS SAID OVER AND OVER, NOT ONLY HERE BUT EVERY STATE WHERE THE ISSUE EVER CAME UP, THAT ONE LEGISLATURE CANNOT BIND ANOTHER ONE, SO WHETHER YOU PUT IT IN THE RULE BOOK OR YOU PUT IT IN THE STATUTE. NOW IF WE TALK ABOUT A CRIMINAL LAW, WE'RE NOT TALKING... [LB649]

SPEAKER HADLEY PRESIDING

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SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR CHAMBERS: ...ABOUT THE WAY THE LEGISLATURE GOVERNS ITS OWN OPERATIONS. THE CONSTITUTION SETTLED THAT WHEN IT SAID THE LEGISLATURE IS THE ONE WHO DOES IT. A LEGISLATURE CANNOT GIVE AWAY ITS AUTHORITY. AND IF THE LEGISLATURE TRIES TO GIVE ITS AUTHORITY TO ANOTHER ENTITY, THE SUPREME COURT STRIKES IT DOWN AS AN INVALID DELEGATION OF LEGISLATIVE AUTHORITY. YOU ALL DON'T KNOW WHAT YOU'RE TALKING ABOUT AND YOU WON'T LISTEN TO ANYBODY WHO DOES. SO I HOPE YOU FOLLOW SENATOR McCOY AND SENATOR MURANTE OUT OF THE WILDERNESS INTO THE SWAMP. I HOPE YOU DEFEAT MY BRACKET MOTION, AND I WILL BE SO HAPPY. IT SHOWS I RULE YOU AND I OWN YOU. VOTE IT DOWN. YOU THINK THAT WOULD HURT ME? I TRIED TO SAVE YOU SOME TIME BY OFFERING THE BRACKET MOTION. VOTE IT DOWN AND THEN PASS THAT PIECE OF ASININE RUBBISH, AND THAT'S WHAT IT IS. LOOK UP ASININE IN THE DICTIONARY. AND I KNOW WHAT I'M SAYING AND I MEAN EVERY WORD OF IT. [LB649]

SPEAKER HADLEY: TIME, SENATOR. [LB649]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB649]

SPEAKER HADLEY: SENATOR COOK, YOU'RE RECOGNIZED. [LB649]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I WOULD LIKE TO ASK SENATOR KRIST IF HE WOULD YIELD TO A QUESTION, PLEASE. [LB649]

SPEAKER HADLEY: SENATOR KRIST, WILL YOU YIELD? [LB649]

SENATOR KRIST: ABSOLUTELY. [LB649]

SENATOR COOK: SENATOR KRIST, YOU SERVE AS CHAIR, I UNDERSTAND, OF THE EXECUTIVE BOARD OF THE LEGISLATURE. AND CAN YOU SPEAK TO ME OR EXPLAIN HOW A PROPOSAL LIKE THE ONE THAT IS BEFORE US MIGHT IMPACT THE BALLOTS THAT ARE TAKEN WHEN IT COMES TO APPOINTMENTS TO SELECT AND SPECIAL COMMITTEES? [LB649]

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SENATOR KRIST: THANK YOU FOR THE QUESTION, SENATOR COOK. THIS PIECE OF LEGISLATION, IF IT WERE TO PASS, I WOULD THINK THAT THERE WOULD BE A CHALLENGE AND, THEREFORE, WOULD NOT AFFECT HOW WE DO BUSINESS IN THE LEGISLATURE. HOWEVER, IF I COULD TAKE A FEW MINUTES? [LB649]

SENATOR COOK: YES, PLEASE. [LB649]

SENATOR KRIST: IF THE RULE... [LB649]

SENATOR COOK: I WOULD YIELD THE BALANCE OF MY TIME IF YOU WOULD LIKE THAT. [LB649]

SENATOR KRIST: OH, THANK YOU. [LB649]

SPEAKER HADLEY: SENATOR KRIST, YOU HAVE 3:55. [LB649]

SENATOR KRIST: IN MY OPINION, AGAIN, FOLLOWING ALONG WITH SENATOR SCHUMACHER, THIS BILL SHOULD NOT AND WOULD NOT AFFECT THE LEGISLATURE. AND OF COURSE WE'D HAVE TO GO BACK AND CHALLENGE IT IF IT SHOULD PASS, WHICH WILL COST US MONEY, BUT IT WILL NOT INTERFERE WITH THE RULES OF THE LEGISLATURE OR SHOULD NOT--MY OPINION. I'M ALSO NOT A LAWYER, BUT I'M LISTENING TO THEM. HOWEVER, IF SENATOR KINTNER BRINGS BACK A REQUEST TO A RULES COMMITTEE NEXT YEAR, WHICH IS THE WAY I WOULD SUGGEST--THE BEST WAY--TO DO THIS, AND THE RULES COMMITTEE WOULD PUT IT UP FOR DEBATE TO THIS BODY AND THIS BODY SAYS, IN THE NAME OF WHATEVER, CALL IT TRANSPARENCY FOR SAKE OF ARGUMENT, THAT ALL OF OUR VOTES, INCLUDING LEADERSHIP VOTES, ARE MADE PUBLIC, THEN NOT ONLY THE FIRST DAY WHEN WE SELECT LEADERSHIP BUT ALSO IN THE EXECUTIVE BOARD OF THE LEGISLATIVE COUNCIL, WHEN THOSE VOTES ARE TAKEN, ALL OF THOSE VOTES WOULD ALSO BE TRANSPARENTLY--IF YOU WILL ALLOW ME TO USE THAT WORD--REGISTERED IN OUR OWN LEDGER. SO EVERY ONE OF US WOULD KNOW WHO VOTED FOR OR WHO DID NOT VOTE FOR SOMEONE WHO'S ON A SPECIAL COMMITTEE. AND I HOPE THAT ANSWERS YOUR QUESTION. AND I THANK YOU FOR THE BALANCE OF YOUR TIME. AND I WOULD JUST...IF YOU...SENATOR COOK, WOULD YOU LIKE TO SAY SOMETHING MORE? IT'S...OKAY. THANK YOU FOR THE BALANCE OF YOUR TIME. I WOULD SAY THOUGH THAT LET'S JUST SAY HYPOTHETICALLY THIS DOES NOT AFFECT OR IS NOT INTENDED TO AFFECT THIS LEGISLATURE. THE TWO FOLKS WHO CAME IN OPPOSITION WERE MR. JOHN BONAIUTO, WHO IS A

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REGISTERED LOBBYIST REPRESENTING THE NEBRASKA ASSOCIATION OF SCHOOL BOARDS, AND ALSO GARY KRUMLAND. GARY REPRESENTS THE LEAGUE OF MUNICIPALITIES THAT INCLUDES 529 CITIES AND VILLAGES ACROSS THE STATE. THERE'S ABOUT 390 OF THOSE MEMBERS IN THE ORGANIZATION. SO ANOTHER REAL CUTE CATCHPHRASE THAT I HATE, THIS SEEMS TO BE A BILL, IF IT'S INTENDED TO LOOK AT THINGS ACROSS THE STATE, IT SEEMS TO BE A SOLUTION LOOKING FOR A QUESTION OR A QUESTION LOOKING FOR A SOLUTION OR AN ANSWER SEARCHING FOR A PROBLEM. I DON'T KNOW EXACTLY HOW IT WORKS BECAUSE I DON'T USE THAT PHRASE VERY MUCH. BUT EVEN IF IT WAS INTENDED TO AFFECT EVERYONE BUT THE LEGISLATURE, YOUR LEAGUE OF MUNICIPALITIES AND YOUR SCHOOL BOARDS CAME IN OPPOSITION. THEY WERE VERY CLEAR THAT THEY DID NOT WANT THIS TO HAPPEN. I HAVE THE TRANSCRIPT HERE IF YOU'D LIKE TO READ IT. IT'S PRETTY ENTERTAINING. BUT I WILL SAY THIS ABOUT... [LB649]

SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR KRIST: ...THE SUBJECT MATTER: I DON'T BELIEVE THAT THIS IS CONSTITUTIONAL. I BELIEVE THAT, EVEN IF THIS WERE PASSED, THAT WE WOULD HAVE A CHALLENGE AND WE WOULD HAVE A HEARING AT DIFFERENT COURT LEVELS. AND I SAY AGAIN, I DON'T BELIEVE THIS IS THE WAY TO CHANGE IT. AND I PLEDGE THAT IF SENATOR KINTNER BRINGS IT BACK TO THE RULES COMMITTEE NEXT YEAR, I'LL VOTE IT OUT AND WE'LL BRING IT TO THE FLOOR FOR DEBATE SO THE MEMBERS OF THIS LEGISLATURE CAN VOTE ON IT FOR THE BEGINNING OF THE 2017 LEGISLATURE. LET'S DO IT THE RIGHT WAY. LET'S NOT CIRCUMVENT IT. THANK YOU. [LB649]

SPEAKER HADLEY: SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB649]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. WOULD SENATOR KINTNER YIELD TO A QUESTION? [LB649]

SPEAKER HADLEY: SENATOR KINTNER, WILL YOU YIELD TO A QUESTION? [LB649]

SENATOR KINTNER: YES. [LB649]

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SENATOR HARR: THANK YOU. I'M CURIOUS ABOUT THIS BILL. I'VE LISTENED TO THE DEBATE AND WHAT SENATOR KRIST SAID REALLY RANG TRUE WITH ME. LET ME ASK YOU, YOU BROUGHT THIS BILL, CORRECT? [LB649]

SENATOR KINTNER: THAT'S CORRECT. [LB649]

SENATOR HARR: OKAY. WAS THIS YOUR IDEA? [LB649]

SENATOR KINTNER: YES, ALL MY IDEA. [LB649]

SENATOR HARR: OKAY. AND IT IS YOUR INTENT THAT THIS WOULD APPLY TO THE LEGISLATURE? [LB649]

SENATOR KINTNER: TO EVERY ELECTED BODY IN OUR STATE, PUBLICLY ELECTED BODY IN OUR STATE. [LB649]

SENATOR HARR: OKAY. SO THE...I ASSUME THE ANSWER IS, YES, YOU WOULD ASSUME THIS APPLIES TO THE LEGISLATURE. [LB649]

SENATOR KINTNER: YES, IT SHOULD, ABSOLUTELY. [LB649]

SENATOR HARR: OKAY. AND I MISSED EARLIER, OUR JUDGES ARE NOT PUBLICLY ELECTED, BUT THEY'RE PUBLICLY RETAINED. WOULD YOU ASSUME THAT THEY APPLIED... [LB649]

SENATOR KINTNER: NO, NOT AT ALL. [LB649]

SENATOR HARR: OKAY. ALL RIGHT. SO, FOLKS, HERE IS WHAT WE HAVE. AND I'M NOT EVEN GOING TO GO...WELL, LET ME ASK ONE MORE QUESTION OF SENATOR KINTNER, IF I MAY. SENATOR, YOU KNEW THIS BILL WOULD BE CONTROVERSIAL, DID YOU NOT? [LB649]

SENATOR KINTNER: I HAD A HINT OR TWO, YES. [LB649]

SENATOR HARR: OKAY. DID YOU TRY TO SEEK OUT AN ATTORNEY GENERAL OPINION? [LB649]

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SENATOR KINTNER: DID NOT. [LB649]

SENATOR HARR: AND WHY IS THAT? [LB649]

SENATOR KINTNER: BECAUSE I THOUGHT IT WAS A PRETTY PLAINLY WRITTEN BILL, SO IT DIDN'T... [LB649]

SENATOR HARR: OKAY, SO YOU FEEL IT'S CONSTITUTIONAL. [LB649]

SENATOR KINTNER: YOU KNOW WHAT, NOTHING IS UNCONSTITUTIONAL UNTIL A COURT SAYS IT IS. [LB649]

SENATOR HARR: WELL, ALL RIGHT, THAT'S AN INTERESTING PERSPECTIVE. AND IT'S JUST A PIECE OF PAPER, AS WELL, I SUPPOSE. THANK YOU. YOU KNOW, THAT'S A RATHER BLATANT, I DON'T KNOW, EXPRESSION...BRAZEN, I SHOULD SAY. FOLKS, THIS IS A BAD BILL. AND I KNOW THAT'S A JUDGMENT AND THAT'S A CONCLUSION WITHOUT TELLING YOU WHY, BUT WE ARE DOING WHAT THE SPEAKER SAID THEN. WE'RE TRYING TO DO THROUGH THE BACK DOOR WHAT WE CAN'T GET THROUGH THE FRONT DOOR. AND I HAVEN'T HEARD A NEED FOR THIS. I HAVEN'T HEARD, OTHER THAN MAYBE A POLITICAL PARTY, STATE WHY WE NEED TO DO THIS. YOU KNOW, THE MEMBERS THAT IT WILL AFFECT--US, TO START WITH--WE'VE ALREADY SPOKEN AND SAID WE'RE NOT IN FAVOR OF THIS BILL. THE LEAGUE OF MUNICIPALITIES, WHO REPRESENT A LOT OF THE OTHER PUBLIC, SAY, HEY, WE DON'T WANT THIS. AND I HAVEN'T HEARD SOMEONE...FOR AN OVERWHELMING NEED FOR THIS BILL, THAT SOMETHING NEFARIOUS IS GOING ON, SOMETHING WRONG IS GOING ON, THAT OUR GOVERNMENT, AS IT'S OPERATING NOW, IS NOT WORKING AND, GOSH DARN IT, WE BETTER CHANGE THOSE RULES OR THE REPUBLIC MAY COME TO AN END. THAT'S...THERE HAS BEEN NO CRY TO THAT DEGREE. WHAT HAS HAPPENED IS THERE ARE CERTAIN PEOPLE WHO BELIEVE THAT IF IT WERE AN OPEN BALLOT THEY COULD PRESSURE PEOPLE TO VOTE IN A DIFFERENT MANNER. AND MAYBE THAT'S TRUE AND MAYBE IT'S NOT. I DON'T KNOW. I CAN TELL YOU THE U.S. SENATE, THE U.S. HOUSE, WHEN THEY CHOOSE THEIR LEADERS, WHETHER YOU CALL IT A CONFERENCE OR A CAUCUS, IT'S DONE IN SECRET. NOW THERE WOULD BE AN ARGUMENT FOR WHY WE SHOULDN'T...WHY IT SHOULD BE SECRET, BECAUSE THERE'S AN ARGUMENT THAT THOSE BODIES AREN'T WORKING. BUT THAT'S NOT THE ARGUMENT BEING MADE HERE TODAY, AND I HAVEN'T HEARD A CALL TO CHANGE IT ON THE FEDERAL LEVEL. THERE IS NO PROBLEM. THIS IS ABOUT POLITICS--THIS IS NOT ABOUT POLICY--POLITICS PURE AND SIMPLE, NOTHING

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MORE, NOTHING LESS. I WILL SUPPORT THE BRACKET MOTION AND I'D ASK THAT YOU DO THE SAME. THANK YOU. [LB649]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. PANSING BROOKS YIELDS, WAIVES. SENATOR EBKE, YOU'RE RECOGNIZED. [LB649]

SENATOR EBKE: THANK YOU, MR. PRESIDENT, A COUPLE OF THINGS. SENATOR HARR MENTIONED A FEW MOMENTS AGO, JUST A MOMENT AGO, THAT AT THE FEDERAL LEVEL THE SENATE AND THE HOUSE CONDUCT THEIR ELECTIONS IN CAUCUS AND SECRET AND THAT IS TRUE, BECAUSE THEY'RE ORGANIZED BY PARTY. BUT ON THE OTHER SIDE OF IT, IF YOU'VE EVER WATCHED AN OPENING DAY OF CONGRESS, THEY DO A VOICE VOTE FOR THE LEADERSHIP, FOR THE SPEAKER. AND EVERY ONCE IN A WHILE, IN THE LAST COUPLE OF CONGRESSES, YOU'VE HAD DEFECTIONS ON BOTH SIDES. I WANT TO SAY THAT I REALLY APPRECIATE BOTH SENATOR CHAMBERS AND SENATOR SCHUMACHER BRINGING THE CONSTITUTION INTO THINGS, BECAUSE I THINK THAT THAT'S VERY IMPORTANT FOR US TO DO AS WE CONDUCT ALL OF OUR LEGISLATIVE ACTIVITIES. SENATOR SCHUMACHER, I'M WONDERING IF YOU COULD HELP ME DECONSTRUCT SOMETHING HERE. [LB649]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD TO A QUESTION? [LB649]

SENATOR SCHUMACHER: YES, I WILL, MR. SPEAKER. [LB649]

SENATOR EBKE: OKAY. I DON'T KNOW IF YOU'VE GOT A COPY OF THE CONSTITUTION HANDY. I THINK YOU READ FROM SECTION 10. IS THAT CORRECT? [LB649]

SENATOR SCHUMACHER: ARTICLE III, SECTION 10, YES. [LB649]

SENATOR EBKE: RIGHT. ARTICLE III, SECTION 11, I DON'T KNOW IF YOU'VE GOT THAT CLOSE BY, BUT I'LL READ THE FIRST COUPLE OF WORDS, THE FIRST SENTENCE HERE. [LB649]

SENATOR SCHUMACHER: OKAY. [LB649]

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SENATOR EBKE: IT SAYS: THE LEGISLATIVE JOURNAL; VOTE VIVA VOCE; OPEN DOORS; COMMITTEE VOTES. THAT'S WHERE IT STARTS AND IT SAYS, "THE LEGISLATURE SHALL KEEP A JOURNAL OF ITS PROCEEDINGS AND PUBLISH THEM, EXCEPT SUCH PARTS AS MAY REQUIRE SECRECY." WHAT PARTS DO WE THINK REQUIRE SECRECY? [LB649]

SENATOR SCHUMACHER: WHAT OUR RULES SAY WE THINK REQUIRE SECRECY. [LB649]

SENATOR EBKE: OKAY, SO WE HAVE SAID THAT WE NEED TO HAVE SECRET BALLOTS, RIGHT? [LB649]

SENATOR SCHUMACHER: WE HAVE SAID HOW WE'RE GOING TO CAST THOSE BALLOTS, YES. [LB649]

SENATOR EBKE: OKAY, AND HERE'S THE NEXT CLAUSE, "AND THE YEAS AND NAYS OF THE MEMBERS ON ANY QUESTION SHALL AT THE DESIRE OF ANY ONE OF THEM BE ENTERED ON THE JOURNAL. ALL VOTES SHALL BE VIVA VOCE." SO ARE YOU SUGGESTING THEN, AND I'M NOT A LEGAL SCHOLAR, I'M JUST TRYING TO FIND OUT HERE, THAT IN THE CASE OF OUR LEADERSHIP VOTES, THAT THOSE DO NOT APPLY, THAT WE'VE JUST DECIDED THOSE DO NOT APPLY, PER SECTION 10, TO THE QUESTION, TO A QUESTION, AND SO THOSE ARE NOT COVERED BY THIS SECTION 11? IS THAT... [LB649]

SENATOR SCHUMACHER: RIGHT. SECTION 11 REFERS TO ISSUES, NOT LEADERSHIP, AND THE VOTES ARE AYES AND NAYS. WE DON'T VOTE AYES AND NAYS FOR LEADERSHIP. THAT'S A DIFFERENT SECTION, DOESN'T APPLY TO RULES OF ORGANIZATION. [LB649]

SENATOR EBKE: OKAY. I APPRECIATE THAT TIME AND YOUR ANSWERS TO THAT. IF SENATOR KINTNER HAS ANY NEED OF TIME, I WOULD BE HAPPY TO YIELD THE REST TO HIM. NOPE, SAYS NO. [LB649]

SPEAKER HADLEY: SENATOR KINTNER WAIVES. [LB649]

SENATOR EBKE: OKAY. [LB649]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED. [LB649]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT AND COLLEAGUES. AND AGAIN, HELLO, NEBRASKA. AND I WAS REMINDED BY SENATOR BLOOMFIELD THAT I WAS TAKING TOO MUCH LENIENCY IN SAYING THAT I WOULD VOTE OUT SENATOR KINTNER'S PROPOSAL TO CHANGE THE RULES NEXT YEAR. I WOULD CAST MY VOTE TO BRING IT OUT OF OUR RULES COMMITTEE, SENATOR BLOOMFIELD, AND I THANK YOU FOR THE OPPORTUNITY TO MAKE THAT CLARIFICATION. AGAIN, I'D ASK YOU TO VOTE YES ON THE BRACKET MOTION AND LET'S MOVE ON WITH THE SESSION. [LB649]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB649]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. THIS BILL HAS COME OUT, I THINK, IN ORDER TO CORRECT WHAT WE DO WITHIN THE LEGISLATURE. BUT IT'S TOO BROAD, AS FAR AS I'M CONCERNED, BECAUSE THE OPPONENTS TO THAT, SCHOOL BOARDS, MUNICIPALITIES, THEY HAVE A LOT OF VOTES INVOLVING THIS. I THINK THE TARGET HERE IS HOW WE HANDLE OUR BUSINESS, AND WE'VE ALREADY VOTED ON THAT THIS YEAR. BUT I WANT TO GO BACK A LITTLE BIT TO THE PROCESS WE USE TO ELECT OUR LEADERSHIP. AS YOU KNOW, I RAN FOR AG CHAIR. YOU ALL KNOW THAT MY RACE WAS THE CLOSEST RACE. I COME IN WITH A FEELING THAT I HAD A FEW MORE VOTES AND I DID WIN BY ONE. I DON'T KNOW FOR SURE WHICH ONES I THOUGHT I HAD THAT I LOST AND NOW IT'S IMMATERIAL. I DON'T HAVE ANY HARD FEELINGS TOWARDS ANY OF THOSE. NOW, IF WE WERE VOTING AND IT WAS RECORD, SOME OF THOSE THAT I THOUGHT I HAD AND SAID THEY WOULD, IF THEY SWITCHED, I WOULD KNOW THAT THEY MADE THAT SWITCH AND I MIGHT HAVE SOME ANIMOSITY TOWARD THEM. THAT'S WHERE I...RIGHT NOW...I GUESS I'M COMFORTABLE WITH THE PROCESS WE HAVE. BUT WHAT I'M UNCOMFORTABLE WITH IS WE'VE ALREADY DISCUSSED THIS IN OUR RULES, ADOPTING THE RULES. WE'VE MADE IT BROADER IN ORDER TO TRY AND CAMOUFLAGE THIS, I THINK A LITTLE BIT, BRING IN ENTIRE GROUP OF PEOPLE WITH THE MUNICIPALITIES AND OUR SCHOOL BOARDS. I DEFINITELY FEEL THIS IS THE WRONG TIME FOR THIS TO BE DISCUSSED. I WILL SUPPORT THE BRACKET MOTION. THANK YOU. [LB649]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR BRACKET MOTION. [LB649]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M GOING TO SUMMARIZE AGAIN WHY I BROUGHT THE BRACKET

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MOTION. THIS GOES BEYOND THE EFFORTS OF THE REPUBLICAN PARTY TO IMPOSE DISCIPLINE, TO BE ABLE TO THREATEN PEOPLE, AS SOME AGENCIES OR GROUPS DO NOW, BY CALLING PEOPLE AND LETTING THEM KNOW WE'RE WATCHING YOUR VOTE, WE KNOW HOW YOU VOTED ON THIS AND ON THAT, AND WE'LL REMEMBER IT. AND THAT GOES ON NOW. I WANT THE INTEGRITY OF THIS BODY TO BE MAINTAINED INTACT. WE DID THROW THIS NOTION OUT, AS SHOULD HAVE BEEN DONE, AND WE ALL HAVE THE RIGHT TO SAY ON THE FLOOR WHATEVER WE WANT TO. I INVITE PEOPLE TO CRITICIZE ME IF THAT'S WHAT THEY WANT TO DO AND THEN I DON'T WHINE AND SAY, YOU OUGHT TO RESIGN. I GET UP AND I SAY WHAT I'VE GOT TO SAY. SO I THINK IT WAS NOT A WISE DECISION FOR A COMMITTEE TO BRING THIS OUT HERE, BUT I COULD HAVE TOLD YOU IN ADVANCE WHO ON THAT COMMITTEE WILL VOTE ON ALMOST ANY ISSUE. AND YOU KNOW WHY I CAN DO IT? BECAUSE I STUDY. IF I HAVE A MOUNTAIN LION HERE AND A PRAIRIE DOG OVER THERE AND I HEAR A LITTLE (MAKES A CLICKING NOISE), I SAY, THAT'S A PRAIRIE DOG, BECAUSE MOUNTAIN LIONS DON'T SPEAK PRAIRIE DOG. AND THEN IF I HEAR (ROARS) I SAY, I THINK YOU OUGHT TO GIVE HIM SOME SLACK, BECAUSE THAT'S NOT A PRAIRIE DOG, BECAUSE PRAIRIE DOGS DON'T SPEAK MOUNTAIN LION. SO WHEN I OBSERVE WHO THE ACTORS ARE, I KNOW EXACTLY WHAT THEY'RE GOING TO DO. AND WE KNOW THE KIND OF BILLS THAT COME OUT OF THAT COMMITTEE AND THE COMMITTEE MEMBERS KNOW, TOO. AND IF THEY DON'T, I'M GOING TO TELL THEM. THAT'S NOT A COMMITTEE WHERE PEOPLE EXPECT A FAIR SHAKE IS BEING DONE. IT'S THE TOOL OF THE REPUBLICAN PARTY, BY AND LARGE; THAT'S WHAT THIS WHOLE THING IS ABOUT. AND WHENEVER I SEE SOMETHING WHICH I'M CONVINCED IS THAT WAY, I'M GOING TO CALL IT. THEN THEY CAN STAND UP AND CRITICIZE AND DISAGREE. AND THEN WE'LL HAVE A GOOD, FREEWHEELING DEBATE AND I WILL PARTICIPATE AND I WON'T RUN OFF. BUT YOU NOTICE NONE OF THOSE WHO ARE TALKING ABOUT ALL THIS TRANSPARENCY--AND SENATOR SCHILZ USED THE WORD MORE THAN ANYBODY ELSE--THEY DIDN'T WANT TO RAISE A RUCKUS WITH ME ABOUT SAYING THEY GET MONEY. I DON'T KNOW IF SENATOR SCHILZ DID, BUT I KNOW SOME PEOPLE IN HERE GOT MONEY FROM ORGANIZATIONS. AND THE MEMBERS, THE PEOPLE WHO GAVE THE MONEY, REMAIN SECRET. WHY DON'T THESE SENATORS, SINCE THEY'RE SO MUCH FOR TRANSPARENCY, TELL US WHO THESE PEOPLE ARE? SENATOR SCHNOOR ASKED HIS COLLEAGUES, WHAT HAVE YOU GOT TO HIDE? WELL, WHY DO YOU HIDE THE IDENTITY OF THE PEOPLE WHO GIVE YOU MONEY? WE KNOW WHAT ALL THIS IS ABOUT. IT IS HYPOCRISY THROUGH AND THROUGH, FROM STEM TO STERN, FROM PORT TO STARBOARD, FROM TOP TO BOTTOM. AND WE WERE GOING TO HAVE TO DEAL WITH THIS BECAUSE IT WAS IN THE FORM OF A BILL AND THE COMMITTEE DID NOT DO ITS JOB. THE COMMITTEE SHOULD HAVE WINNOWNED

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THIS OUT. BUT THEY HAVE A HIGHER AUTHORITY CALLING THE SHOTS ON THEM, JUST AS WAS THE CASE WHEN THE LEGISLATURE STARTED THE SESSION. EVERYBODY KNEW WHAT THAT THING OF TELLING WHO YOU VOTE FOR WAS ABOUT. BUT WHAT GETS ME IS THAT WE PRETEND AROUND EACH OTHER, WHERE WE ALL KNOW THE GAME AND SEE THROUGH IT. BUT THEY'RE NOT PLAYING FOR US; THEY'RE PLAYING FOR THE PEOPLE ON THE OUTSIDE WHO DON'T KNOW, PERHAPS, AND WILL LISTEN TO ALL THESE GRANDIOSE STATEMENTS THEY MAKE AND SAY, WOW, HE'S FOR TRANSPARENCY. BUT THEY DON'T... [LB649]

SPEAKER HADLEY: ONE MINUTE. [LB649]

SENATOR CHAMBERS: ...GET TO SEE HOW THE THING REALLY OPERATES. I WOULD NOT ACCEPT AN OPINION ON THIS BY THE REPUBLICAN ATTORNEY GENERAL, BECAUSE I'VE ALREADY SEEN HOW HE'S REPUBLICAN THROUGH AND THROUGH, HOW HE'S UNDERHANDED IN THE WAY HE DEALS, AND HOW HE SNEAKS UP AND ATTACKS OUT OF AMBUSH. A LOT OF US HAVE SEEN THAT. SO FOR SENATOR MURANTE TO SAY THAT JESSE JAMES IS GOING TO SPEAK AGAINST FRANK JAMES IS INSANE. THIS THING OUGHT TO BE PUT TO BED AND PURSUANT TO THE RULES, I HAVE OFFERED A BRACKET MOTION. AND I HOPE YOU WILL VOTE TO BRACKET. BUT IN ORDER THAT WE MAY ALL GO ON THE RECORD AND BE TRANSPARENT, I WOULD LIKE TO HAVE A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB649]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB649]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB649]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SCHILZ, SENATOR KRIST. SENATOR SCHILZ, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR SCHILZ, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, YOU ASKED

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FOR A ROLL CALL VOTE IN REGULAR ORDER. IS THAT CORRECT? MR. CLERK.
[LB649]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1127-1128.) 31
AYES, 15 NAYS, MR. PRESIDENT, ON THE MOTION TO BRACKET THE BILL. [LB649]

SPEAKER HADLEY: THE MOTION TO BRACKET IS ADOPTED. I RAISE THE CALL.
CLERK. [LB649]

CLERK: MR. PRESIDENT, SOME ITEMS. FIRST OF ALL, TRANSPORTATION
COMMITTEE WILL MEET IN EXECUTIVE SESSION IN ROOM 2102 UPON
ADJOURNMENT, TRANSPORTATION IN 2102. NEW RESOLUTION, SENATOR KUEHN,
LR179. AMENDMENTS TO BE PRINTED: SENATOR COASH TO LB292 AND SENATOR
NORDQUIST TO LB67. NEW A BILL: LB265A BY SENATOR KRIST. (READ LB265A BY
TITLE FOR THE FIRST TIME.) (LEGISLATIVE JOURNAL PAGES 1128-1129.) [LR179
LB292 LB67 LB265A]

MR. PRESIDENT, A PRIORITY MOTION, SENATOR KOLTERMAN WOULD MOVE TO
ADJOURN UNTIL MONDAY, APRIL 13, AT 10:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN
FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE MOTION CARRIES.